

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

Civil Action No. 1:17-cv-02989-AT

DONNA CURLING, et al.,
Plaintiffs,

vs.

BRAD RAFFENSPERGER, et al.,
Defendants.

VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF

BENJAMIN R. COTTON

DATE: August 25, 2022

TIME: 9:11 a.m. to 4:02 p.m. CDT

LOCATION: Witness location

REPORTED BY: Felicia A. Newland, CSR

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Also Present: (Via Zoom)

Donna Curling

Bryan Tyson

Ernestine Thomas-Clark

Kevin Skoglund

Marilyn Marks

Oluwasegun Joseph

Diane Laross

J. Alex Halderman

Donna Price

David Lowman

Cheryl Ringer

Susan Greenhalgh

Videographer: Brian Ciccone

C O N T E N T S

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P R O C E E D I N G S

* * * * *

VIDEOGRAPHER: Good morning. We are going on the record at 9:11 a.m. Central Daylight Time on August 25th, 2022. This is Media Unit Number 1 of the video-recorded deposition of Benjamin R. Cotton, taken by the counsel -- by counsel for Plaintiff in the matter of Donna Curling, et al. versus Brad Raffensperger, et al., filed in the United States District Court for the Northern District of Georgia, Case Number 1-17-cv-02989-AT.

This deposition is being held via remote Zoom. My name is Brian Ciccone, representing Veritext Legal Solutions. And I am the videographer. The court reporter is Felicia Newland, also from Veritext Legal Solutions.

Will the attorneys please note their appearances for the record?

MS. KAISER: This is Mary Kaiser with Morrison & Foerster on behalf of the Curling Plaintiffs. With me on the line, I see David

1 Cross, Caroline Middleton, Jenna Conaway, Wail
2 Jihadi, Sonja Swanbeck. I believe that's everyone
3 also with Morrison & Foerster. And our clients
4 Donna Curling and Donna Price. And an expert
5 witness involved in our case, Mr. Alex Halderman,
6 Dr. Alex Halderman.

7 MR. BROWN: This is Bruce Brown,
8 representing the Coalition Plaintiffs. With us
9 today are Marilyn Marks, my client, Kevin Skoglund.
10 And if there's anyone else from the Coalition
11 Plaintiffs, they may introduce themselves.

12 MR. MILLER: This is Carey Miller,
13 here on behalf of the State Defendants. In the
14 room with us, we've got Bryan Tyson, Danielle
15 Hernandez, Diane LaRoss, and Javier Pico Prats.

16 Given the late notice that we had
17 regarding this deposition, unless there's
18 objection of counsel, we will switch off our
19 coverage for the morning and afternoon.
20 Mr. Tyson will handle this morning and I'll
21 handle this afternoon. We didn't want to hold up
22 moving this forward.

1 MR. PARKER: And this is Andrew
2 Parker here representing Ben Cotton. I am in the
3 room with Mr. Cotton. I am not on camera, but I
4 will be speaking during the deposition.

5 VIDEOGRAPHER: Is that everybody --

6 MR. PARKER: If you need me to be on
7 camera, I am certainly happy to do that, but prior
8 to starting, there was a request made that only
9 Mr. Cotton be in the camera view.

10 VIDEOGRAPHER: Has everybody
11 announced their appearances?

12 Okay. Will the court reporter
13 please swear in the witness?

14 (Witness duly sworn in.)

15 VIDEOGRAPHER: You may proceed.

16 * * * * *

17 Whereupon,

18 BENJAMIN R. COTTON
19 was called as a witness and, having been first duly
20 sworn, was examined and testified as follows:
21
22

EXAMINATION BY COUNSEL FOR CURLING PLAINTIFFS

BY MS. KAISER:

Q Good morning, Mr. Cotton.

MR. PARKER: Mary, if I might, before you begin, I wanted to put on the record our agreement to the subpoena in testifying here today. Mr. Cotton received two subpoenas, one from the Curling Plaintiffs, another from the organizational plaintiff in your case in Georgia. We provided an objection to those subpoenas. We offered to discuss with counsel to coordinate Mr. Cotton's cooperation with the subpoenas. We did that on more than one occasion with you all.

And we ultimately determined, and agreed, that the subpoenas would be narrowed, which they were, through an August 9th letter from David Cross to counsel. It is our understanding that both outstanding subpoenas have been narrowed by the August 9th letter, and that that agreement was made and a date was selected for today at this time for the deposition to proceed.

1 The location of the deposition was
2 also agreed to. Yesterday we learned that the
3 deposition was to be taken by Zoom, and we
4 voluntarily agreed to that as well.

5 So Mr. Cotton is here for the
6 limited purpose of answering questions within the
7 scope of the amended subpoena based on the
8 August 9th letter from Mr. Cross. And he will do
9 so in advance of the subpoena. He provided --
10 he -- he did a thorough review of all of his
11 records in response to the amended subpoena. He
12 provided responsive documents, which were not
13 withheld based on privilege or rule. He also
14 provided a log of other responsive documents,
15 which are protected by a privilege or rule, which
16 are identified in the log.

17 And with those limitations and
18 background, he's here to answer your questions.

19 MS. KAISER: Thank you, Andrew. I'll
20 note for the record that, you know, the parties
21 have had correspondence back and forth. And, you
22 know, we will have some questions for Mr. Cotton

1 today with respect to some of the representations
2 that you just made, but I believe we can get
3 started.

4 MR. PARKER: Okay.

5 BY MS. KAISER:

6 Q Good morning, Mr. Cotton.

7 A Good morning.

8 Q I'm Mary Kaiser. Nice to meet you.

9 Can you please state your name and
10 address for the record?

11 A My name is Benjamin R. Cotton,
12 C-O-T-T-O-N. And my address is [REDACTED]

13 [REDACTED].

14 Q I'm going to be asking you a series
15 of questions today. Before we do that, do you
16 understand that you are under oath?

17 A I do.

18 Q Is there any reason why you would be
19 unable to give full and complete testimony today?

20 A No.

21 Q Have you been deposed before?

22 A I have.

1 Q So you understand how this works.
2 I'll be asking you questions. Your attorney may
3 object, but unless he instructs you not to answer a
4 question, you may, and should, answer my question.

5 Do you understand that?

6 A Yes.

7 Q Because we are in a remote
8 environment today, I do have a couple of questions
9 for you. I understand that your attorney,
10 Mr. Parker, is in the room with you. Is that
11 correct?

12 A That is correct.

13 Q Is there anybody else in the room?

14 A There is not.

15 Q Do you have a cellphone or a computer
16 with you today, sir?

17 A I have a cellphone. It's silenced.

18 Q Okay. Can you -- do you have any
19 chat functions open on your cellphone?

20 A I do not.

21 Q And I believe you said no -- no
22 computer with you today?

1 A No.

2 Q Do you understand that you are not
3 allowed to communicate during the deposition via
4 text, e-mail, chat or other electronic means?

5 A Yes.

6 Q If you need to take a break at any
7 point, please just let me know. I'll just ask that
8 if I have a question pending, that you provide an
9 answer and then I will try to find a time very
10 shortly thereafter to go on a break. Is that okay
11 with you?

12 A That's fine. Thank you.

13 Q Sure.

14 Okay. Mr. Cotton, where did you go
15 to college?

16 A I went through the -- I was active
17 duty military. And for my bachelor's, I got that
18 through the University of New York. And then I got
19 my master's at the University of Maryland.

20 Q What was your undergraduate degree
21 in?

22 A It was general studies.

1 Q Did you have a concentration?

2 A I did not.

3 Q And you said you had a graduate
4 degree from the University of Maryland. Is that
5 correct?

6 A That's correct.

7 Q What is your master's degree in?
8 What subject?

9 A Primary concentration on that is
10 Information Technology Management.

11 Q When did you receive that degree?

12 A That was in 2002.

13 Q Do you have any other graduate
14 degrees?

15 A No.

16 Q Do you have any certifications or
17 additional credentials?

18 A I do.

19 Q Can you list those for me, please?

20 A I have a CISSP from the ISC Square
21 Institute. I have --

22 Q Can you just describe that acronym

1 for me or give me a little bit more information
2 what that certificate is in?

3 A Yeah. It's a -- it's a degree for
4 the security -- well, it's not a degree. It's a
5 certificate for cybersecurity and other forms of
6 security as it pertains to the industry.

7 Q Thank you.

8 So you have your CISSP. When did you
9 receive that credential?

10 A I received that in 2002, and it has
11 remained active ever since.

12 Q Okay. Do you have any other
13 certificates?

14 A Yes. Certified Microsoft
15 professional. I am a Network Plus professional. I
16 have a certification in forensics incident response
17 for the CyFIR program.

18 Q What is the CyFIR program?

19 A The CyFIR program is a
20 enterprise-level Computer Forensics and Incident
21 Response Technology.

22 Q Okay. Any other certificates that

1 you have?

2 A No, not off the top of my mind.

3 Q Where are you currently employed,
4 Mr. Cotton?

5 A I'm currently employed as the vice
6 president for incident response with eSentire.

7 Q Is that a company that you -- that
8 you own?

9 A No. ESentire purchased the -- the
10 company that I owned.

11 Q What company was that?

12 A CyFIR.

13 Q When did that purchase or acquisition
14 take place?

15 A That was June 2021.

16 Q So you've worked at eSentire since
17 June 2021?

18 A Yes.

19 Q How many -- about how many employees
20 does that firm have?

21 A About 600.

22 Q Where is it located?

1 A The headquarters is in Canada.

2 There's a U.S. subsidiary based out of Ashton,
3 Virginia.

4 Q And do you work out of that Virginia
5 office?

6 A So I work remotely out of the
7 Montana -- out of my Montana address.

8 Q And is that your home address that
9 you --

10 A Yes.

11 Q -- stated earlier on the record?

12 Okay. What are your responsibilities
13 as the vice president for incident response at
14 eSentire?

15 A Well, I oversee a team of personnel
16 responding to cybersecurity incidents. I perform
17 forensics analysis in addition to my management
18 responsibilities.

19 Q You manage other employees?

20 A I do.

21 Q What -- what types of clients does
22 eSentire have?

1 A We have a wide variety of clients
2 ranging from financial institutions, private
3 industry. It's pretty much the gamut of -- of
4 companies out there.

5 Q All right. I think you -- you
6 mentioned a firm that you owned or founded called
7 CyFIR. Is that correct?

8 A That's correct.

9 Q When did you found that company?

10 A That company was founded in 2018, or
11 it was actually spun out of another company called
12 CyTech.

13 Q And you were the founder of CyFIR,
14 correct?

15 A Yes.

16 Q Did you hold any other titles at the
17 company?

18 A When you're a small company like
19 that, you hold a lot of titles. So I was the --
20 the director of forensics for CyFIR, in addition to
21 being a board member.

22 Q You mentioned it was a small company.

1 How many employees did CyFIR have?

2 A I think at its peak before the sale,
3 we had about 18 employees.

4 Q Did you have a physical location?

5 A Yes.

6 Q Where was that?

7 A Initially it was in Manassas,
8 Virginia and then that was changed to Ashburn,
9 Virginia.

10 Q Did you work out of the Virginia
11 offices?

12 A I did.

13 Q Did you -- so did you relocate to
14 Montana when CyFIR was sold to eSentire?

15 A I relocated before that. It would
16 have been approximately the last part of 2017.

17 Q And you worked remotely for CyFIR
18 from that point until --

19 A Yes.

20 Q -- you worked at eSentire?

21 A Yes.

22 Q Please tell me a little bit about

1 the -- the business that the CyFIR company did.

2 A Well, we created a enterprise-level
3 forensic software that had basically overcame some
4 challenges with the current industry software. So
5 EnCase was the leading forensic software at that
6 time. They had a significant problem with speed,
7 as addressed especially with scalability across
8 large networks.

9 And so we created a technology that
10 would essentially do forensics analysis, live
11 memory analysis, the full keyword search
12 capabilities that scaled across very large networks
13 and get those results in the same time it took you
14 to examine or analyze one computer.

15 Q And that was -- what was that
16 technology called?

17 A CyFIR.

18 Q Okay. Same as the company?

19 A Yes.

20 Q Okay. And is that technology
21 still -- was that part of the acquisition with
22 eSentire --

1 A Yes, it was.

2 Q -- that technology?

3 Okay. What kind of clients did CyFIR
4 have?

5 A We had both public and private
6 clients, that included banks, that included large
7 manufacturers, that includes sportswear companies,
8 and the federal government.

9 Q And I think you said that CyFIR was
10 spun out of another company called CyTech. Is that
11 correct?

12 A That's correct.

13 Q Is that Cybersecurity Technology
14 Services? Is that the full name of CyTech?

15 A Cyber Technology Services, yes --

16 Q Okay.

17 A -- doing business as CyTech Services.

18 Q Okay. Were you a founder or owner of
19 CyTech?

20 A I was.

21 Q When did you found that company?

22 A I founded the company initially in

1 2002.

2 Q That was right after you received
3 your master's degree?

4 A Yes. I was -- I was retiring from
5 the military and I -- I created the company.

6 Q Where was that company located?

7 A That was in Manassas, Virginia.

8 Q And about how many employees did
9 CyTech have?

10 A CyTech does primarily government
11 contracting, so that ebbs and flows with budgets
12 and sequestration. At the peak, I would probably
13 have had about 30 employees, maybe a little less.
14 I think currently there are 17.

15 Q And what was the -- what was your
16 title at CyTech?

17 A President and CEO.

18 Q Okay.

19 MS. KAISER: I'm going to introduce
20 our first exhibit here. Tab 1 will be Exhibit 1.

21 (Cotton Deposition Exhibit Number 1
22 marked for identification.)

1 MR. PARKER: Let's see if I can get
2 that pulled up. Let's see, refresh.

3 MS. KAISER: Is it -- is the exhibit
4 available for you, Andrew?

5 MR. PARKER: Yes. With Ben Cotton's
6 name on the top?

7 MS. KAISER: Yes.

8 MR. PARKER: Exhibit 1?

9 MS. KAISER: Yes, this is Exhibit 1.

10 MR. PARKER: Yes.

11 BY MS. KAISER:

12 Q Mr. Cotton, do you recognize this
13 document?

14 A I do.

15 Q Does it say your LinkedIn profile?

16 A It is.

17 Q Do you -- do you update your LinkedIn
18 profile, you know, pretty regularly?

19 A I don't.

20 Q Okay. Fair enough.

21 All right. Well, I know your
22 experience here. Is this -- is this information

1 accurate?

2 A I am no longer president and CEO of
3 CyTech Services.

4 Q Okay.

5 A As part of the agreement with
6 eSentire, I have brought in personnel to fill those
7 positions.

8 Q Do you still have any role at CyTech?

9 A I am a board member --

10 Q Okay.

11 A -- and president of the board at
12 CyTech.

13 Q But you're no longer president and
14 CEO?

15 A I am not.

16 Q Okay. Other than that, are these
17 first three entries under your experience accurate?

18 A Yes. I would say that on the
19 Guidance Software, I was one of the contract
20 part-time instructors --

21 Q Okay.

22 A -- based out of the Sterling office.

1 Q Okay. With that adjustment,
2 otherwise, this -- this information looks accurate
3 to you?

4 A Yes.

5 Q Can you -- can you tell me a little
6 bit about your role with BYU?

7 A Yes. So I sit on the Cybersecurity
8 Advisory Board there. They have a cybersecurity
9 program. And we oversee the -- the curriculum and
10 the training for the students and ensure that that
11 is up to date and is relevant with what the
12 industries are requiring of its hirees out of
13 college.

14 Q Okay. So are you currently employed
15 by any other companies that we have not talked
16 about yet?

17 A No.

18 Q Are you a member of any other
19 organizations that we have not talked about?

20 A Yes. I am a member of HTCIA.

21 Q What is HTCIA?

22 A HTCIA is a nationwide-recognized

1 forensics organization.

2 Q You said you're just a member of that
3 organization?

4 A I am.

5 Q Do you have a leadership role?

6 A I do not.

7 Q Do you know about how many members
8 the organization has?

9 A I -- I really don't have any idea.
10 It's -- it's global, so there would be a lot.

11 Q Okay. Are you involved in any
12 election organizations or offices?

13 A I am not.

14 Q Prior to the November 2020 general
15 election, did you have any experience analyzing
16 election systems?

17 A No.

18 Q Prior to the November 2020 general
19 election, did you have any experience analyzing
20 elections data?

21 A No.

22 Q Have you done any work on behalf of a

1 political party?

2 A No.

3 Q Or a political organization?

4 A No.

5 Q Have you ever been retained as an
6 expert witness?

7 A Yes.

8 Q In what cases?

9 MR. PARKER: Don't answer that. That
10 goes beyond the scope of the subpoena. I will also
11 add in that it violates potentially the
12 work-product doctrine in most cases, as well as the
13 rules cited in our document log.

14 MS. KAISER: Mr. Parker, the fact
15 of -- the fact of Mr. Cotton's retention is not
16 privileged. I will -- I will limit my question.

17 BY MS. KAISER:

18 Q Mr. Cotton, have you been retained as
19 an expert witness in any case involving Georgia's
20 election system?

21 A Yes.

22 MR. PARKER: You can answer that.

1 BY MS. KAISER:

2 Q What cases -- in what cases have you
3 been retained as an expert?

4 MR. PARKER: You can answer that.

5 THE WITNESS: I have been retained by
6 two legal teams. The first team involved the
7 VoterGA.org cases concerning the election voting
8 system. And also I was tangentially involved with
9 some actions on Gwinnett County. The second team,
10 I was retained on matters pertaining to Coffee
11 County.

12 BY MS. KAISER:

13 Q Let me get into that a little bit.

14 Have you submitted an expert report
15 in any of those matters that you just listed?

16 A I have not.

17 Q Have you testified under oath in any
18 of those matters?

19 A I have not.

20 Q Mr. Cotton, you are represented by
21 counsel today, correct?

22 A I am.

1 Q Mr. Andrew Parker?

2 A Yes.

3 Q Did you seek out Mr. Parker as an --
4 as an attorney?

5 A I did.

6 Q Approximately when?

7 A Approximately the time that I
8 received the first subpoena.

9 Q Can you tell me a little bit about
10 the circumstances of you retaining Mr. Parker?

11 MR. PARKER: Do not communicate any
12 discussions that we had in answering this question
13 or any legal advice you sought or received, as it
14 would be privileged.

15 THE WITNESS: When I received the
16 subpoena, I determined that it would be best if I
17 had legal counsel responding to the subpoena, and
18 so I contacted Mr. Parker and asked him if he --

19 MR. PARKER: Don't go into anything
20 that we talked about.

21 THE WITNESS: Okay. So I contacted
22 Mr. Parker.

1 BY MS. KAISER:

2 Q Did you know Mr. Parker prior to
3 receiving the subpoena?

4 A I did.

5 Q Has he represented you before?

6 A No.

7 Q Who's paying your attorney for your
8 representation today?

9 A I am.

10 Q Did you spend any time with your
11 attorney preparing for today's deposition?

12 A Yes.

13 Q Approximately how much time did you
14 spend preparing?

15 A Probably about -- if -- if we're --
16 does this include the time that was spent searching
17 for documents?

18 Q If you could give me -- you could
19 give me a separate estimate of how much time you
20 spent searching for documents and then how much
21 time you spent preparing for the deposition.

22 A So the time searching for documents

1 entailed roughly 30 hours.

2 Q Okay.

3 A And I met with Mr. Parker an hour
4 before this deposition, and we had several brief
5 phone calls previous to this.

6 Q How long would you estimate those
7 calls lasted in total?

8 A In total, including all of the
9 conversations concerning the documents and the
10 production, maybe two and a half, three hours,
11 maybe.

12 Q Okay. Mr. Cotton, you represented
13 that you spent approximately 30 hours searching for
14 documents responsive to the subpoena. Is that
15 correct?

16 A That's correct.

17 Q Can you describe what kind of
18 searches you did to locate responsive documents?

19 A So I have access to forensic
20 software, EnCase, CyFIR, various e-mail production
21 technologies. So the first thing that we looked at
22 was e-mail for all of my accounts. And I --

1 Q Work accounts and personal?

2 A Correct.

3 I then ran the eDiscovery software,
4 performing keyword searches that corresponded to
5 the subpoena in the areas of the subpoena across
6 those accounts.

7 Q Did you -- I'm sorry, did you mention
8 the name of that software?

9 A I used Aid4Mail. And I also used the
10 Office 365 security and management search
11 functions.

12 Q Okay. And you said you searched for
13 terms relevant to the subpoena?

14 A That's correct.

15 Q Were there -- were there names
16 included in those terms? Specific names?

17 A There were.

18 Q Okay.

19 A As well as e-mail addresses and other
20 search terms.

21 Q Okay.

22 MS. KAISER: Mr. Parker, we would

1 request a list of the search terms that Mr. Cotton
2 used to search for documents responsive to the
3 subpoena.

4 MR. PARKER: We will consider that.

5 MS. KAISER: Thank you.

6 BY MS. KAISER:

7 Q Okay. So you said you ran searches
8 across your e-mails based on these search terms.
9 Is that correct, Mr. Cotton?

10 A That's correct.

11 Q What e-mail addresses did you search?

12 A I searched my
13 Ben.Cotton@[REDACTED].com,
14 Ben.Cotton@[REDACTED].com, and
15 Bencotton@[REDACTED].com.

16 Q And those are all of the e-mail
17 addresses that you currently use?

18 A Yes.

19 Q And is that all the e-mail addresses
20 that you have used since November 2020?

21 A Yes.

22 Q Did you do anything else to search

1 for responsive documents?

2 A Yes. I -- I did a review and a
3 search across my forensics platforms for files that
4 were pertinent to the subpoena.

5 Q Did you locate any?

6 A Yes.

7 Q Did you produce any of those to us?

8 A I produced them to the attorneys.

9 Q I'll represent that those were not
10 produced to the Plaintiffs in this matter. Do you
11 know why?

12 A I -- I leave that up to the
13 attorneys.

14 Q Can you estimate the -- the volume of
15 the forensics files that you produced to your
16 attorney?

17 MR. PARKER: That's attorney-client
18 privilege. We'll object.

19 Don't answer.

20 BY MS. KAISER:

21 Q Are you going to follow your
22 attorney's instruction not to answer that question,

1 Mr. Cotton?

2 A I am.

3 Q Is there anything you're willing to
4 tell me about the forensic files that you turned
5 over to your attorney?

6 A I'm following the advice of my
7 attorney on this.

8 Q Did you do anything else to search
9 for responsive files?

10 A Can you repeat the question, please?

11 Q Did you ask for any -- do anything
12 else to search for materials responsive to the
13 subpoena?

14 A That was the entirety of what -- of
15 my holdings.

16 Q Your e-mails and your forensics
17 platforms?

18 A Yes.

19 Q Do you use -- do you use any -- did
20 you search, for example, text messages?

21 A I did.

22 Q Did you find any responsive text

1 messages?

2 A I found a couple responsive messages.
3 Those were turned over to the attorneys.

4 Q And I will, again, represent those
5 were not turned over to Plaintiffs. Do you know
6 why?

7 MR. PARKER: I'll represent for
8 Mr. Cotton that everything that is responsive to
9 the subpoena was turned over to you.

10 MS. KAISER: Well, we have reasons to
11 question that, Mr. Parker.

12 MR. PARKER: What's the basis of your
13 questioning of my professional representation?

14 MS. KAISER: Well, for example --
15 Will you introduce Tab 6 as the
16 next exhibit?

17 We're going to introduce the next
18 exhibit.

19 (Cotton Deposition Exhibit Number 2
20 marked for identification.)

21 MS. KAISER: While we do that,
22 Mr. Parker, we request immediate production of the

1 forensics -- of all of the files that Mr. Cotton
2 pulled from the forensics files that he identified
3 as responsive to the subpoena.

4 MR. PARKER: You're referring to
5 those listed on the log?

6 MS. KAISER: I'm referring to what
7 Mr. Cotton produced to you that he found was
8 responsive to the subpoena.

9 MR. PARKER: That who found was
10 responsive to the subpoena?

11 MS. KAISER: Mr. Cotton determined
12 were responsive to the subpoena.

13 MR. PARKER: Well, that's not what
14 he's testified to.

15 MS. KAISER: I believe that's exactly
16 what he's testified to.

17 MR. PARKER: No, he has not. In our
18 legal analysis of what the subpoena requests, and,
19 in fact, we were quite broad in our response to you
20 with documents, is that we have provided all
21 responsive documents or listed them on the log.
22 Anything not listed is not responsive to the

1 subpoena as amended by the August 9th letter. And
2 we'll stand by that.

3 BY MS. KAISER:

4 Q Can you take a look at Exhibit 2,
5 please? Do you recognize this document,
6 Mr. Cotton?

7 A I personally don't, but it appears to
8 be the privilege log.

9 Q Yes. So just for clarity's sake,
10 there is a cover letter dated August 24th from your
11 attorney, Andrew Parker, to myself and my
12 colleague, David Cross.

13 Do you see that?

14 A I do.

15 Q It says, "Enclosed is a log of
16 documents responsive to the subpoenas." And do you
17 recognize the attachment to this as that privilege
18 log?

19 A I see it. I -- this is the first
20 time that I've seen the privilege log, but I do see
21 it and acknowledge what it says -- what it states.

22 Q Fair enough. Okay.

1 Do you see anywhere listed on this
2 privilege log any text messages?

3 A Can you scroll down?

4 One of these is not identified as a
5 text message, but it was a -- it was a screen
6 capture of a message. And that is the BC0009 --

7 Q Okay.

8 A -- Bates number.

9 Q Thank you.

10 Approximately how many text messages
11 did you turn over to your attorney, Mr. Cotton?

12 A I believe there was only one. This
13 one that was relevant with the subpoena.

14 Q And I'd like to ask again, about how
15 many forensics files did you turn over to your
16 attorney?

17 MR. PARKER: Objection. That is
18 protected by the work-product doctrine and the
19 rules identified in the log.

20 MS. KAISER: Andrew, how is the
21 number of files privileged? I'm asking for the
22 number.

1 MR. PARKER: Yeah, I understand.
2 That goes into what he was provided to review. The
3 number is a fact related to that. He's not going
4 to go into that.

5 MS. KAISER: I fail to see how the
6 number of documents that he turned over to you
7 could be privileged.

8 MR. PARKER: It is.

9 MS. KAISER: I'm not asking for the
10 contents of the documents or -- or what was
11 contained in them, simply the number.

12 MR. PARKER: It is. Look at the case
13 law regarding work-product doctrine. It is.

14 MS. KAISER: I am very familiar with
15 the case law. Thank you, Mr. Parker.

16 MR. PARKER: Okay.

17 MS. KAISER: All right. We -- we
18 request immediate production of both the forensics
19 files that Mr. Cotton turned over, as well as the
20 text messages.

21 BY MS. KAISER:

22 Q Mr. Cotton, do you use any other

1 messaging services besides text message?

2 A Well, text message is a category, not
3 a service.

4 Q Sure. Okay.

5 What -- what text -- what text
6 platforms do you use?

7 A I use Signal. And for family
8 communications, I use the messaging app on iOS
9 devices.

10 Q So iMessage?

11 A I believe it's just called Message.

12 Q Okay. Did you search Signal for
13 documents or communications responsive in the
14 subpoenas?

15 A I did.

16 Q Did you locate any?

17 A That one message that I previously
18 located as part of the Bates number.

19 Q That came from your -- from your
20 Signal account?

21 A Well, it came from a Signal account
22 that I preserved. The Signal account, up until the

1 time that I received the subpoena, I had dissolving
2 messages turned on. When I received the -- the
3 subpoena, I disabled that and preserved everything
4 that I had at that point.

5 Q When you say "dissolving messages,"
6 can you describe what you mean?

7 A So Signal -- the messages -- the --
8 the application only preserves those for a week.

9 Q So prior to your -- to when you
10 received the subpoena, your Signal account was set
11 to delete messages after one week. Is that
12 correct?

13 A Well, they call it dissolving, and
14 that's basically a default setting when I installed
15 it.

16 Q Are you aware of other documents
17 responsive to the subpoena that existed in your
18 Signal account at sometime?

19 A No.

20 Q So, to your knowledge, nothing
21 responsive to the subpoena was deleted within your
22 Signal account. Is that correct, or dissolved?

1 A That's correct. If I had received
2 something through that medium, I had preserved that
3 as part of the forensics notes or files within the
4 individual cases.

5 Q What did you do to preserve that
6 with -- within the other files?

7 A So as part of my forensics
8 examinations, I maintain notes and I maintain --
9 well, I maintain the files that are pertinent to
10 the case. And I do that on a forensics examination
11 platform that has RAID redundancy capability built
12 in.

13 Q What's the name of that platform?

14 A It's my computer.

15 Q I'm sorry. Your computer --

16 A It's an -- it's an individual
17 forensics workstation located in my forensics
18 examination facility.

19 Q Which is your home address?

20 A Yes.

21 Q So your representation is that
22 anything that was pertinent to the -- to the work

1 that you were doing that you received through
2 Signal, you -- you know, you entered into or moved
3 over to your computer that was located in your lab.

4 Is that accurate?

5 A That's accurate.

6 Q Including -- including
7 communications?

8 A Yes, as if they're required, right,
9 but yes.

10 Q And did you save the communication
11 itself or just make a notation of it on your
12 computer?

13 A Notations of it.

14 Q What did those notations entail --
15 encompass?

16 A Those would have been communications
17 with the attorneys, which I believe is covered by
18 the attorney-work privilege.

19 Q Did you write down the name of the --
20 the person who was communicating with you?

21 MR. PARKER: I am going to object.

22 Don't answer that. Attorney-work

1 product gets into information.

2 MS. KAISER: Mr. Parker, I'm asking
3 what Mr. Cotton did when he received messages.

4 MR. PARKER: Yes, he received
5 messages, but getting into what he did with them
6 gets into the work-product privilege and the rules
7 related to a consulting expert.

8 BY MS. KAISER:

9 Q Mr. Cotton, did you receive messages
10 on Signal from anyone other than an attorney?

11 A Not as related to these cases.

12 Q Did you receive messages on Signal
13 from any attorney with whom you did not have an
14 active engagement agreement?

15 A Within the scope of the subpoena, no.

16 Q What do you mean by that?

17 A Meaning we're limited to Georgia
18 and -- and Georgia cases.

19 Q So as it relates to anything
20 pertaining to Georgia, did you receive messages on
21 Signal from anyone other than an attorney with whom
22 you had an active engagement as an expert?

1 A So I received text messages, or
2 Signal messages, from other experts on the team,
3 but I did not receive e-mails or Signal messages
4 from people not associated with the engagement and
5 investigation.

6 Q Who were the other experts on the
7 team that you received messages from?

8 MR. PARKER: Objection.

9 Don't answer that. Attorney-work
10 product.

11 Frankly, I've let you go further
12 than what the work product would normally allow
13 in certain respects. So, you know, we're not
14 going to get into things that he received and who
15 he talked to.

16 MS. KAISER: Mr. Parker, the
17 communications --

18 MR. PARKER: Let me --

19 MS. KAISER: -- between experts
20 themselves are not privileged. And communications
21 from an expert to an expert is not privileged. I
22 am asking him about communications with other

1 experts, not with an attorney.

2 MR. PARKER: Any information that he
3 receives as it relates to his non-testifying
4 consulting expert work, his work product, and he's
5 not going to answer any questions regarding it.

6 MS. KAISER: I think that's a vastly
7 overexpansive interpretation of the work-product
8 doctrine.

9 MR. PARKER: I have an accurate
10 interpretation of it.

11 BY MS. KAISER:

12 Q We may return to that topic.

13 Mr. Cotton, did you search any
14 other -- we were speaking about Signal. Did you
15 search any other messaging platforms for documents
16 responsive to the subpoena?

17 A I don't use any others, so no.

18 Q You mentioned the -- the messaging
19 platform on your iOS system. Did you search those
20 messages?

21 A I did. But those are used
22 exclusively for personal communications and they

1 did not return any messages that were relating to
2 Georgia.

3 Q Do you use any cloud accounts?

4 A Are you talking about messaging
5 accounts or e-mail accounts or what --

6 Q I'm talking -- I believe we covered
7 your e-mail, and we covered your messaging
8 platforms. Are there any other cloud-based
9 software programs that you use as part of your
10 work?

11 A Not for Georgia.

12 Q Okay. Did you search for any
13 hard-copy documents?

14 A I did not maintain any hard-copy
15 documents with respect to these engagements.

16 MR. PARKER: When you say "these,"
17 you're talking about Georgia?

18 THE WITNESS: Georgia, yeah.

19 BY MS. KAISER:

20 Q So you do not have any hard-copy
21 documents that relate in any way to your
22 involvement in the Georgia matters?

1 A No. What I have are electronically
2 stored documents. And those were searched as part
3 of the search across the file systems and the
4 e-mail.

5 Q Did you use the same eDiscovery tool
6 to search across other documents, not just -- other
7 document types in addition to e-mail?

8 A I did.

9 Q And you ran the same list of search
10 terms?

11 A Yes.

12 Q Okay. Did you do anything else to
13 search for responsive documents or communications
14 when you received the subpoena?

15 A Not that I can recall.

16 Q When you were doing -- well, when you
17 were preparing for your deposition today, did you
18 review any documents?

19 A Yes.

20 Q Did they refresh your recollection
21 about any facts or events?

22 A Yes.

1 Q Can you please describe those
2 documents?

3 A I reviewed the engagement letter with
4 an attorney on the Coffee County engagement.

5 Q Is that it?

6 A Well, obviously when I produce
7 something, I look at the documents that I produce
8 to the attorneys.

9 Q So you -- you reviewed all of the
10 documents that you handed over to your attorney.
11 Is that what you're saying?

12 A Yes.

13 Q Did any of those documents refresh
14 your recollection about facts or events?

15 A I'm sure they did.

16 MS. KAISER: We would ask for
17 immediate production of any documents that
18 Mr. Cotton reviewed as part of his preparation for
19 today that refreshed his recollection.

20 I'm going to introduce another
21 exhibit. This will be Exhibit 3.

22

1 (Cotton Deposition Exhibit Number 3
2 marked for identification.)

3 BY MS. KAISER:

4 Q Actually, Mr. Cotton, just before you
5 look at that document, just -- just a first
6 question: Are you -- are you currently engaged as
7 an expert witness regarding the Dominion Voting
8 System used in Georgia?

9 A Yes.

10 Q Who engaged you as a witness -- as an
11 expert?

12 A Stefanie Lambert.

13 Q When did she engage you as an expert?

14 A I was originally engaged as an expert
15 in March of 2021. As a part of that engagement, I
16 received a task order to support Coffee County,
17 Georgia. And that would have been the middle of
18 June of 2021.

19 Q You said you received a task order.
20 Is that correct?

21 A Yes. So verbally I received a task
22 order to support potential litigation in Coffee

1 County, Georgia.

2 Q What litigation is that?

3 MR. PARKER: Don't answer that. It's
4 work-product privilege.

5 MS. KAISER: Absolutely not
6 work-product privilege what litigation he is
7 engaged to be an expert with respect to.

8 MR. PARKER: There was no litigation.
9 It's an anticipation of litigation.

10 Do not answer that question.

11 MS. KAISER: Mr. Parker, we are going
12 to have a big problem if you won't let him answer
13 this question. We are entitled to test the
14 representation that he has been engaged as an
15 expert with ongoing or anticipated litigation. We
16 need to understand the details regarding that.

17 MR. PARKER: The objection stands.

18 BY MS. KAISER:

19 Q Mr. Cotton, are you going to follow
20 your attorney's instruction not to answer?

21 A I am.

22 Q You said you received a verbal task

1 order in June of 2021. Is that correct?

2 A That is correct.

3 Q Do you have a document -- a written
4 task order with respect to that representation?

5 A I do not.

6 Q Did you perform any work for
7 Ms. Lambert prior to June 2021 with respect to
8 Coffee County, Georgia?

9 A No.

10 Q With respect to Georgia at all?

11 A No.

12 Q So you were retained in March of
13 2021. Is that correct?

14 A Correct.

15 Q But you did no work for Ms. Lambert
16 until you received the task order in June of 2021?

17 A That's incorrect.

18 Q How is that incorrect?

19 A I performed work under that
20 engagement for other cases prior to that time
21 frame.

22 Q Prior to June 2021, did you perform

1 any work related to Georgia?

2 A No -- well -- no, I did not.

3 MR. BROWN: This is Bruce Brown. I'm
4 going to ask for a clarification that may save some
5 time in the future, and that is that you say no
6 work for Georgia. And I just want to make sure
7 that that includes work about Georgia that you
8 might have done for another engagement.

9 THE WITNESS: I had no dealings with
10 any data related to Georgia prior to the middle of
11 June time frame of 2021.

12 MR. BROWN: Thank you. And sorry for
13 the interruption.

14 BY MS. KAISER:

15 Q Mr. Cotton, can you take a look at
16 Exhibit 3?

17 Do you see there's a cover e-mail
18 from your attorney, Mr. Parker, to myself?
19 Attached to that are two documents. Do you see
20 that?

21 A I do.

22 Q The first document is starting on the

1 page marked BC0001. Do you see that document?

2 A Yes.

3 Q Is this the March 2021 engagement
4 that you were referring to?

5 A That is correct.

6 Q And it says that it is entered into
7 on behalf of Matt DePerno of DePerno Law Office.

8 Do you see that?

9 A Can you scroll down?

10 Q No, this is at the top. This is the
11 second line -- the first and second line of the
12 agreement.

13 A It says Matt DePerno and Stefanie
14 Lambert.

15 Q Okay. Fair enough.

16 Who is Mr. DePerno?

17 A He was an attorney that was working
18 with Ms. Lambert on various cases in -- in
19 different jurisdictions.

20 Q And the other person on this --
21 entering into this agreement is Stefanie Lambert --
22 is it Junttila?

1 A Yes.

2 Q -- on behalf of Stefanie L. Lambert,
3 PLLC. Do you see that?

4 A I do.

5 Q Who is Stefanie Lambert Junttila?

6 A Stefanie Lambert is the attorney that
7 I primarily work for on these matters.

8 Q So is Stefanie Lambert Junttila and
9 Stefanie L. Lambert the same person?

10 A I believe so, yes.

11 Q Are you aware that Stefanie Lambert
12 represents Misty Hampton, the former Coffee County
13 election supervisor?

14 A Yes.

15 Q How did this agreement come into --
16 tell me about how this -- how you entered into this
17 agreement with Mr. DePerno and Ms. Lambert.

18 MR. PARKER: Objection. Work-product
19 privilege, consulting expert rule. He won't answer
20 that.

21 BY MS. KAISER:

22 Q Did you know Mr. DePerno or

1 Ms. Lambert prior to entering into this agreement?

2 A I did not.

3 Q Have you done any work for them prior
4 to entering into this engagement?

5 A I had not.

6 Q Please describe the services that you
7 were engaged to perform.

8 MR. PARKER: That's attorney-work
9 product. He won't answer that.

10 BY MS. KAISER:

11 Q Under, "Description of Services," it
12 says, "CyFIR will advise Client to provide
13 professional services for issues relating to
14 forensic imaging of hard drives."

15 Do you see that, Mr. Cotton?

16 A I do.

17 Q Do you agree that you were retained
18 to perform issues of forensic imaging of hard
19 drives?

20 A I was retained in a broad forensics
21 capacity, and that is one of the aspects, if it was
22 necessary to perform, that this would have covered.

1 Q Would you say the same thing with
2 respect to forensic imaging of storage media?

3 A Yes.

4 Q And live computer analysis?

5 A Yes.

6 Q As well as computer forensics?

7 A Yes.

8 Q And electronic discovery and expert
9 witness support?

10 A If required, yes.

11 Q If required.

12 I'm going to look at the next
13 sentence here. It says, "CyFIR will provide Client
14 with assistance in identifying possible sources of
15 voting system compromise, attack vectors, relevant
16 electronic data, provide technical advice in the
17 remediation of identified exposures, offer guidance
18 concerning the implementation of such requests, and
19 participate in possible legal processes associated
20 with or stemming from the engagement."

21 Do you see that?

22 A I do.

1 Q The time that you entered into this
2 engagement, were there any legal processes ongoing
3 associated with or stemming from the engagement?

4 A Yes.

5 Q What were those legal processes?

6 MR. PARKER: Objection. It's work
7 product. And to the extent it's outside of
8 Georgia, it's outside of the scope of the subpoena.
9 It also --

10 BY MS. KAISER:

11 Q Were there legal --

12 MR. PARKER: -- violates the
13 consulting expert rules.

14 MS. KAISER: Mr. Parker, again,
15 the -- the expert rule applies to experts engaged
16 for ongoing or anticipated litigation. And we are
17 entitled to the facts underlying that
18 representation. It is critical for us to
19 understand if there was an ongoing legal process
20 for which Mr. Cotton was retained as an expert.

21 MR. PARKER: Well, it doesn't need to
22 be an ongoing legal process.

1 MS. KAISER: Or anticipated.

2 MR. PARKER: Okay.

3 MS. KAISER: We are entitled to
4 understand the specific litigation with respect he
5 was -- with respect to which he was engaged as an
6 expert.

7 MR. PARKER: The specific litigation?
8 No, you're not, because it may just be in
9 anticipation of litigation. He's not a lawyer. He
10 doesn't know. And it's covered by the work-product
11 doctrine.

12 And, you know, I'll add that once a
13 consulting expert, including in this
14 jurisdiction, but in other jurisdictions,
15 depositions are often not even allowed. We're --
16 we're offering Mr. Cotton to answer the narrow
17 set of questions, which you've already gone well
18 beyond, in the August 9th amended letter -- or
19 amended subpoena communication.

20 And, you know, if you would stay
21 focused on -- on that, we would not have to lodge
22 so many objections, which I -- you know, I really

1 don't want to do but need to.

2 BY MS. KAISER:

3 Q Mr. Cotton, when you entered into
4 this engagement in March of 2021, were you asked to
5 do any work related to data from Georgia?

6 A No.

7 Q And the next page of this agreement,
8 paragraph 5, "Third Parties," do you see that
9 paragraph?

10 A Yes.

11 Q It says that, "In the event that the
12 Client has arranged for a third party to pay CyFIR,
13 CyFIR will accept payment from such third party in
14 place of direct payment."

15 Do you see that?

16 A I do.

17 Q Has any third party ever paid for
18 your services under this agreement?

19 A No.

20 Q Turn to the page marked -- labeled
21 BC0005. Do you see that?

22 A I do.

1 Q And this appears to be an engagement
2 letter with Stefanie Lambert, dated July 3rd, 2021.

3 Do you see that?

4 A I see that. This is -- this is a
5 supplement to the previous engagement letter and it
6 primarily contained a nondisclosure requirement.

7 Q Okay. What was the -- what were --
8 what were the circumstances for signing this second
9 agreement with Ms. Lambert?

10 A That was to follow up with the -- the
11 verbal task order that I received in the middle of
12 June. And Ms. Lambert wanted to put additional
13 confidentiality restrictions in place.

14 Q The services included in this
15 supplement, as you -- as you characterize it, are
16 "forensic analysis as evidence."

17 Do you see that?

18 A Yes.

19 Q "Expert reports and testimony,"
20 correct?

21 A Correct. The testimony was if
22 required.

1 Q Okay. The next paragraph there it
2 says, "This engagement includes, but is not limited
3 to, a specific requirement to comply with the
4 non-disclosure agreement (attached) with the Firm
5 related to evidence obtained by SullivanStrickler
6 from Coffee County, Georgia and the forensic
7 analysis reports, information, data, and any other
8 attorney-client privileged information from the
9 Company performed on behalf of the Firm on that
10 same date."

11 Do you see that?

12 A I do.

13 Q Did you have access to evidence -- or
14 information obtained by SullivanStrickler from
15 Coffee County, Georgia?

16 MR. PARKER: Objection. Work
17 product, and the other objections listed on the
18 log.

19 MS. KAISER: You're claiming work
20 product over whether he had access to that data?

21 MR. PARKER: Yes, information that he
22 received and was asked to review. And not just

1 work product, but the other rules that apply and
2 are listed on the log.

3 MS. KAISER: Work-product privilege
4 does not apply to facts and data underlying an
5 analysis, Mr. Parker. I'm asking about facts and
6 data underlying his analysis or work.

7 MR. PARKER: Work-product privilege
8 does apply to that information, very specifically.

9 BY MS. KAISER:

10 Q Mr. Cotton, what services have you
11 performed under this agreement?

12 A So I have performed non- --

13 MR. PARKER: Objection. Work
14 product.

15 Don't answer that.

16 And the rules listed in the log as
17 well.

18 BY MS. KAISER:

19 Q You're not willing to tell me
20 anything about the services that you performed
21 under this agreement, Mr. Cotton?

22 MR. PARKER: Nothing beyond what has

1 been stated in his testimony in Arizona that
2 relates to Georgia.

3 MS. KAISER: All right. We'll get to
4 that.

5 BY MS. KAISER:

6 Q I'd like to go back to Exhibit 2,
7 Mr. Cotton. This is the letter from your attorney
8 attaching the privilege log.

9 For the -- several of these entries,
10 you -- the document is described as, you know,
11 something that you analyzed on behalf of S.
12 Lambert. Is that Stefanie Lambert?

13 A Yes.

14 Q Who is "T. Harding"?

15 A T. Harding is the attorney for
16 VoterGA in this lawsuit, Todd Harding.

17 Q Has Mr. Harding engaged you as an
18 expert witness?

19 A Yes.

20 Q When?

21 A I don't have the exact dates. It was
22 a verbal engagement. And it would have been

1 approximately September of 2021.

2 Q What is the scope of your engagement
3 for Mr. Harding?

4 A To perform forensics analysis on
5 artifacts that the legal team has come into
6 possession of through subpoenas or FOIA requests to
7 the Fulton County election officials.

8 Q You said through FOIA requests or
9 subpoenas?

10 A Correct.

11 Q From the Fulton County Election
12 System. Is that correct?

13 A Correct.

14 Q Fulton County, Georgia?

15 A Correct.

16 Q Do you -- do you have a written
17 engagement with Mr. Harding?

18 A I do not.

19 Q Why not?

20 A It was just never implemented.

21 Q Okay.

22 MS. KAISER: All right. Mr. Cotton,

1 we've been going for about an hour, and I'm about
2 to -- to change topics. Do you want to take a
3 short break, just five minutes?

4 THE WITNESS: Sure.

5 MS. KAISER: Okay. Thank you.

6 We're off the record.

7 VIDEOGRAPHER: The time is
8 approximately 10:21 a.m. We are going off the
9 video record.

10 (Recess from 10:21 a.m. to 10:37 a.m.)

11 VIDEOGRAPHER: The time is
12 approximately 10:37 a.m. We are back on the video
13 record. Go ahead.

14 BY MS. KAISER:

15 Q Mr. Cotton, do you know who Garland
16 Favorito is?

17 A I do.

18 Q Who's Mr. Favorito?

19 A He is the head of the VoterGA.org.

20 Q Have you had any communications with
21 Mr. Favorito?

22 A Yes.

1 Q Have you had any communications with
2 Mr. Favorito related to data or software from
3 Georgia?

4 A As it related to and through his
5 attorney, yes.

6 Q And for what purpose?

7 A For the purpose of the engagement
8 which we previously spoke, which was to analyze the
9 artifacts that were produced in response to FOIA
10 requests and subpoenas to VoterGA.org in relation
11 to one of their -- well, two of their cases that
12 they had, that they were prosecuting.

13 Q Mr. Cotton, you -- you mentioned
14 before, Mr. Cotton, that prior to June 2021, you
15 had not analyzed any data from Georgia. Is that
16 correct?

17 A That's correct.

18 Q Have you analyzed any data or
19 software related to the Dominion Voting System
20 that's used in Georgia, the same Dominion equipment
21 that's used in Georgia?

22 MR. PARKER: You can answer limited

1 to what you've testified to in Arizona.

2 THE WITNESS: Yes, I have.

3 BY MS. KAISER:

4 Q What equipment was that?

5 MR. PARKER: You can, again, answer
6 limited to what you have testified to in Arizona.
7 Beyond that, it is work product and governed by the
8 rules cited in the log.

9 THE WITNESS: I had reviewed the
10 equipment and software related to the Dominion
11 Democracy Suite Software, Version 5.5B and 5.5, I
12 believe it was, A.

13 BY MS. KAISER:

14 Q 5.5A?

15 A Uh-huh.

16 Q Approximately when did you review
17 that software?

18 A I began a review of that sometime in
19 March of 2021.

20 Q And your understanding is that's the
21 same version of the Dominion Democracy Suite that's
22 used in Georgia?

1 A That is my understanding.

2 Q Okay. Do you know who typically has
3 access to a Georgia county's election system?

4 A I don't have any real direct personal
5 knowledge to that other than the -- obviously the
6 county clerk and the poll workers who would be
7 supporting an election.

8 Q Do you have an understanding as to
9 who has access to an EMS server in Georgia?

10 A Once again, the election official in
11 that jurisdiction and people that she designates to
12 perform work or support an election.

13 Q Do you know whether you need a
14 password to access an EMS server?

15 A Yes.

16 MR. PARKER: In Georgia, you're
17 talking about, Mary?

18 MS. KAISER: Yes, in Georgia.

19 THE WITNESS: Yes.

20 BY MS. KAISER:

21 Q Do you know who has access to that
22 password?

1 A I would assume the people that the
2 clerk --

3 MR. PARKER: Don't assume.

4 THE WITNESS: Okay.

5 MR. PARKER: Just testify as to what
6 you know.

7 THE WITNESS: I don't know everyone
8 that has access to that password.

9 BY MS. KAISER:

10 Q Do you know who can change the
11 password to an EMS server in Georgia?

12 A I don't know who has the legal
13 authority, but the practical answer to that, from a
14 computer perspective, is anyone that has
15 administrative access to that system.

16 Q Do you know who typically has
17 administrative access to that system with respect
18 to Georgia?

19 A Within the accounts on a computer,
20 there are certain accounts that are designated as
21 administrative or administrator accounts and others
22 that are designated as user accounts. Anyone that

1 has access to one of the administrative accounts
2 could change the passwords.

3 Q And I guess my question is: Do you
4 know, with respect to Georgia, who typically has an
5 administrator account?

6 A I don't know who has access to that
7 account.

8 Q Do you have a relationship with
9 anyone from an elections office in Georgia?

10 A No.

11 Q Have you communicated with anyone
12 from a Georgia elections office --

13 A No.

14 Q -- since November 2020?

15 A No.

16 Q Have you communicated with any
17 Georgia election official or employee since
18 November 1st, 2020?

19 A No.

20 Q Have you communicated with anyone
21 working on behalf of any Georgia elections official
22 or employee since November 1st, 2020?

1 A Only with my attorneys.

2 Q When you say your attorneys, what do
3 you mean by that?

4 A I mean the attorneys by which I was
5 engaged --

6 Q And that --

7 A -- for the performance.

8 Q Which specific attorneys would that
9 be?

10 A That would be Stefanie Lambert and
11 Todd Harding.

12 Q Please tell me what you know about
13 any instance in which Georgia election equipment or
14 data was accessed by anyone other than a Georgia
15 voter or election worker between November 2020 and
16 today.

17 MR. PARKER: Only testify about this
18 outside of what you learned related to your
19 engagement. If it's part of your engagement, you
20 can't testify about it. You cannot testify about
21 it if it's part of your engagement.

22 THE WITNESS: Does that include how

1 those images were provided, too?

2 MR. PARKER: Yes, you cannot testify.

3 BY MS. KAISER:

4 Q Mr. Cotton, could you speak up? I
5 couldn't hear you.

6 A Can you please repeat your question?

7 Q Yes.

8 Please tell me what you know about
9 any instance in which Georgia election equipment or
10 data was accessed by anyone other than a Georgia
11 voter or election worker between November 2020 and
12 today.

13 MR. PARKER: And we are allowing him
14 to answer that question to the extent that it does
15 not enter into the work for which he was engaged as
16 a consulting expert.

17 BY MS. KAISER:

18 Q You may answer the question,
19 Mr. Cotton.

20 A I don't have any personal direct
21 knowledge of any unauthorized person accessing the
22 voting systems.

1 Q Anywhere in Georgia?

2 A Anywhere in Georgia.

3 Q Have you read anything in the press
4 or, you know, come -- come across any information
5 related to this in your personal capacity?

6 A Well, there's a lot of things in the
7 press and a lot of those things aren't true. So,
8 once again, I don't have any direct personal
9 knowledge of this. I know what the press has
10 written about me and that's certainly false, so
11 I -- you know, I don't hold any credibility with
12 what I read in the press.

13 MS. KAISER: I'm going to introduce
14 as the next exhibit, this is Tab 7, which is
15 Exhibit 4, I think. I'm sorry, just give us one
16 second.

17 THE WITNESS: Okay.

18 (Cotton Deposition Exhibit Number 4
19 marked for identification.)

20 BY MS. KAISER:

21 Q This will be Exhibit Number 4.
22 Can you see that exhibit now,

1 Mr. Cotton?

2 A I do.

3 Q So this is a news article from the
4 Atlanta Journal-Constitution entitled, "Pro-Trump
5 tech team copied Georgia election data, records
6 show."

7 Do you see that?

8 A I do.

9 Q Okay. Have you seen this article
10 before?

11 A I have.

12 Q Okay. It describes, "A breach that
13 included data from an election server, voter
14 check-in computers, and ballot memory cards."

15 Do you see that?

16 A I do.

17 Q Do you have any knowledge whatsoever
18 about that breach that's described in this article?

19 MR. PARKER: Again, outside of the
20 work that you did as engaging -- being engaged as a
21 consulting expert in Georgia, as you've testified
22 to, and the nondisclosure agreement and what's

1 listed in the log as the rules on this issue, you
2 can testify in response to that question.

3 THE WITNESS: I don't have any
4 knowledge about this breach or the details
5 surrounding it.

6 BY MS. KAISER:

7 Q It says, "Trump attorney Sidney
8 Powell helped coordinate the effort." Do you see
9 that?

10 A I do.

11 Q Do you know Sidney Powell?

12 A I do not.

13 Q Have you ever heard -- do you know
14 any -- you have never had any communication with
15 Sidney Powell?

16 A I have not, and I never met the lady.
17 She's been in the news, that's how I know the name.

18 Q Going on, it says, "She was billed
19 over \$26,000 by computer experts from Atlanta tech
20 company SullivanStrickler."

21 Do you see that?

22 A I do.

1 Q Do you know the Sullivan -- have you
2 heard of the SullivanStrickler firm before?

3 A I have.

4 Q What do you know about the
5 SullivanStrickler firm?

6 A They're a well-respected computer
7 forensics firm based out of Atlanta.

8 Q Have you ever worked with
9 SullivanStrickler?

10 A I have not worked directly with
11 SullivanStrickler, other than as detailed in the
12 agreement with Stefanie Lambert.

13 Q Who from the SullivanStrickler firm
14 have you ever been in contact with?

15 A I haven't been in contact with anyone
16 there.

17 Q You've never been in contact with
18 anybody from the SullivanStrickler firm?

19 A No.

20 Q Do you know who Paul Maggio is?

21 A Pardon?

22 Q Do you know who Paul Maggio is,

1 M-A-G-G-I-O?

2 A That name is not familiar.

3 Q Okay. The next sentence here says,
4 "The GBI confirmed Tuesday that it has opened a
5 criminal investigation of the incident on
6 January 7th, 2021."

7 Do you see that?

8 A I do.

9 Q Have you been contacted by any
10 investigator in relation to what happened in Coffee
11 County, Georgia?

12 A I have not.

13 Q Are you the target of any
14 investigation with respect to anything related to
15 the Georgia voting system?

16 A Not to my knowledge.

17 Q Did you have any involvement
18 whatsoever in the January 7th, 2021 incident in
19 Coffee County?

20 A No.

21 Q Did you know about the plan to go to
22 Coffee County prior to or on January 7th, 2021?

1 A I did not.

2 Q Have you ever accessed any voting
3 equipment or voting data from Coffee County,
4 Georgia?

5 MR. PARKER: Don't -- don't answer
6 that if it gets into anything regarding your
7 engagement as a consulting expert.

8 THE WITNESS: Yes, I have.

9 BY MS. KAISER:

10 Q Did you access any voting equipment
11 or voting data from Coffee County on January 7th,
12 2021?

13 A No.

14 Q When is the first time that you ever
15 accessed voting -- voting equipment or data from
16 Coffee County, Georgia?

17 A It would have been the middle to end
18 of June of 2021.

19 Q Okay. I'll come back to that.

20 Do you have any understanding of who
21 collected that data from Coffee County, Georgia?

22 A I have no direct personal knowledge

1 of that.

2 Q Do you know who Scott Hall is?

3 A I do not.

4 Q Do you know who Eric Chaney is?

5 A I'm not familiar with that name

6 either.

7 Q Do you know who Cathy Latham is?

8 A No.

9 Q Do you know who Misty Hampton is?

10 A Yes.

11 Q Who is Misty Hampton?

12 A Misty Hampton was the election
13 official in Coffee County, Georgia, and she's also
14 Stefanie Lambert's client.

15 Q Have you ever had any communications
16 with Ms. Hampton?

17 A Yes.

18 Q Regarding what?

19 A I met her prior to June of 2021, and
20 it was a social setting.

21 Q Where was that social event?

22 A That was in Michigan.

1 Q Can you tell me anything more about
2 that event, please?

3 MR. PARKER: That's outside the scope
4 of the subpoena.

5 You don't need to answer that.

6 BY MS. KAISER:

7 Q Did you speak with Misty Hampton
8 about anything related to Georgia voting systems or
9 voting data?

10 A No.

11 Q You said that was prior to June of
12 2021. Do you recall approximately when it was?

13 A Approximately April, maybe. I was
14 introduced to her by Stefanie Lambert, and at that
15 time Stefanie was engaged by Misty Hampton as a
16 client.

17 Q I'm sorry, I missed the first -- the
18 first part of that answer. Can you please repeat
19 what you just said?

20 A I was introduced to her by Stefanie
21 Lambert, and Stefanie was at that time beginning an
22 engagement with Misty Hampton.

1 Q Have you had any communications with
2 Ms. Hampton since this event in approximately
3 April 2021?

4 A No.

5 Q Do you know who Jil Ridlehoover is?

6 A The name is not familiar.

7 Q Do you know who organized the
8 January 7, 2021 trip to Coffee County?

9 A I do not.

10 MS. KAISER: Let's mark the next
11 exhibit. It will be Exhibit 5.

12 (Cotton Deposition Exhibit Number 5
13 marked for identification.)

14 BY MS. KAISER:

15 Q Mr. Cotton, this is an e-mail chain.
16 I'm going to direct you to the e-mail that starts
17 at the top of the second page here from Paul
18 Maggio, dated January 7th, 2021.

19 Do you see that?

20 A I do.

21 Q So this -- I believe you said you do
22 not know who Mr. Paul Maggio is. Is that correct?

1 A No, I don't recall him.

2 Q Okay. Do you see next to his name it
3 says "SullivanStrickler, LLC"?

4 A I see that, yeah.

5 Q Do you have an understanding that
6 Mr. Maggio worked at SullivanStrickler?

7 A Based on this e-mail and your
8 representations, yes.

9 Q Okay. And that the e-mail is to
10 Sidney Powell. I believe you said you are -- you
11 are aware of who Ms. Powell is just from press
12 reports. Is that correct?

13 A That's correct.

14 Q Okay. And copied on the e-mail is
15 Tricia. Do you know who Tricia is?

16 A I don't.

17 Q How about Jim Penrose?

18 A I know who Jim Penrose is.

19 Q Who is Mr. Penrose?

20 A He is a forensics expert that was
21 also engaged by Stefanie Lambert on some of her
22 engagements, I believe, outside of Georgia. I

1 didn't know that he was working in Georgia.

2 Q Have you ever had any communications
3 with Mr. Penrose?

4 A Only in the capacity of collaborating
5 experts supporting Ms. Lambert.

6 Q Have you collaborated with
7 Mr. Penrose at all with respect to Georgia voting
8 data or voting -- the Georgia voting software?

9 A Tangentially.

10 Q Can you elaborate on that?

11 MR. PARKER: If it relates to your
12 engagement as a consulting expert in Georgia, you
13 cannot testify to it. If it does not, you can.

14 THE WITNESS: He was involved in the
15 initial spin-up of Coffee County, Georgia.

16 BY MS. KAISER:

17 Q What do you mean when you say
18 "spin-up of Coffee County, Georgia"?

19 A So when -- when Stefanie directed me
20 to support Coffee County, Georgia, I had a
21 conversation with him that -- concerning access to
22 the materials.

1 Q Did he facilitate your access to the
2 materials?

3 MR. PARKER: Don't answer that. It's
4 related to work product. Actually, you can -- you
5 can answer it to the extent that you don't get into
6 materials that you actually received and reviewed.

7 THE WITNESS: Yes, he did.

8 BY MS. KAISER:

9 Q How did he facilitate that access?
10 And, again, I'm not asking about the
11 contents of the materials. I'm just asking about
12 the access.

13 A He provided some log-in credentials
14 for me to download the materials.

15 Q To download them from where?

16 A From the SullivanStrickler website, a
17 secured portal.

18 Q A secured portal?

19 A Yes.

20 Q And approximately when was that,
21 Mr. Cotton?

22 A That was approximately the 11 -- or

1 the middle of June, 11th, 12th, somewhere in there.

2 Q June 2021, correct?

3 A Correct.

4 Q So Mr. Penrose provided you with the
5 log-in credentials that you required to download
6 information from the SullivanStrickler secured
7 portal. Is that correct?

8 A That is correct.

9 Q Is that the extent of your
10 communications with Mr. Penrose?

11 A Yes.

12 Q Also copied on this e-mail is Brendan
13 Sullivan. Do you see that?

14 A I do.

15 Q Do you know Mr. Sullivan?

16 A I do not.

17 Q And the last person copied on this
18 e-mail is Doug Logan. Do you see that name?

19 A I do.

20 Q Do you know Mr. Logan?

21 A I know a Doug Logan. I don't know if
22 this is the same Doug Logan, but I certainly know a

1 Doug Logan.

2 Q Who is the Doug Logan that you know?

3 A Doug Logan was the primary contractor
4 for the Arizona audit, of which I was a
5 subcontractor to him, or to Cyber Ninjas.

6 Q I'm sorry, to Cyber Ninjas. And
7 that's Mr. Logan's firm, correct?

8 A It was. I believe it went bankrupt
9 at this point.

10 Q And you said that you were a
11 subcontractor for Mr. Logan's firm Cyber Ninjas in
12 Arizona. Is that correct?

13 A That's correct.

14 Q Are you currently in contact with
15 Mr. Logan?

16 A Mr. Logan is a testifying expert in
17 Arizona, so I have had contact with him, yes.

18 Q Have you had any communications with
19 Mr. Logan related to Georgia?

20 A Not that I recall.

21 Q All right. So taking a look at this
22 e-mail from Mr. Maggio to Sidney Powell, you can

1 see he writes, "Sidney, good morning. Per Jim
2 Penrose's request, we are on our way to Coffee
3 County, Georgia to collect what we can from the
4 election/voting machines and systems."

5 Do you see that?

6 A If you can scroll down.

7 MR. PARKER: Mary, what page are you
8 reading from?

9 MS. KAISER: This is the e-mail from
10 Paul Maggio to Sidney Powell. It starts at the top
11 of the second page --

12 MR. PARKER: Okay.

13 MS. KAISER: -- January 7th, 2021.

14 THE WITNESS: Yes, I see that.

15 BY MS. KAISER:

16 Q Okay. So this was sent at 10:31 a.m.
17 on January 7th, 2021, correct?

18 A Yes.

19 Q Do you know who was on the way to
20 Coffee County at that time?

21 A I do not.

22 Q Do you know if everyone on this

1 e-mail chain traveled to Coffee County on
2 January 7th, 2021?

3 A I don't.

4 Q If you would flip back to the prior
5 page, page 1, there's an e-mail from Paul Maggio to
6 Sidney Powell, copying the same group of people,
7 that was sent at -- on Thursday, January 7, 2021,
8 at 4:10 p.m.

9 Do you see that?

10 A I do.

11 Q It says, "Everything is going well
12 here in Coffee County, Georgia." Do you see that?

13 A I do.

14 Q Do you have any knowledge about what
15 this team was doing when they were in Coffee
16 County, Georgia on January 7th?

17 A I don't.

18 MR. PARKER: I want to state for the
19 record that he's never seen this e-mail before
20 until today, as he has testified. And that we are
21 allowing quite a bit of leeway to go into issues
22 that are not identified anywhere near on the

1 August 9 communication that amended the subpoena in
2 this case. But you can go ahead.

3 MS. KAISER: I will push back on your
4 representation that this is not related to the
5 narrow topics, Mr. Parker, but I appreciate you're
6 willing to let us proceed.

7 We will do the -- the next exhibit.
8 This is Tab 9.

9 (Cotton Deposition Exhibit Number 6
10 marked for identification.)

11 BY MS. KAISER:

12 Q Do you see the next exhibit,
13 Mr. Cotton?

14 A We are waiting for it to refresh.

15 Q Okay.

16 MR. PARKER: Is this Exhibit 6?

17 MS. KAISER: Yes.

18 THE WITNESS: Is it a series of
19 pictures?

20 BY MS. KAISER:

21 Q Yes, this is a series of pictures.
22 I'll give you a moment to look at them.

1 Have you had a chance to look at the
2 pictures, Mr. Cotton?

3 A We're still scrolling down.

4 Q Please let me know when you have had
5 a chance to review them.

6 A Okay.

7 Okay. I think we're down at the end.

8 Q Have you seen any of these pictures
9 before today?

10 A I have not.

11 Q Do you have any understanding that
12 this shows members of the SullivanStrickler team
13 copying data in the Coffee County election office
14 on January 7th, 2021?

15 A I do not.

16 Q Okay. I'm just going to walk through
17 these quickly to see if you recognize any of these
18 individuals.

19 The first picture here on the first
20 page, do you recognize the man shown sitting in
21 front of the computer in this picture?

22 A I do not.

1 Q Do you recognize the woman to his
2 right?

3 A I do not.

4 Q Do you recognize what this computer
5 equipment is in this picture?

6 A That looks like a Dell system. I
7 don't know what it -- what the function of it is.

8 Q Okay. If you look at the next
9 picture, do you recognize this computer system
10 here?

11 A That's a MacBook Pro but it --

12 Q I'm sorry. The next picture --

13 A That's a -- that's a MacBook. I
14 don't know what that -- what its function is.

15 Q Okay. Do you recognize any of the --
16 either of the individuals in this photo shown
17 behind the laptop?

18 A The one on the right may be Jim
19 Penrose. I'm not entirely certain on that.

20 Q Okay. You think that could be Jim
21 Penrose?

22 A Say again.

1 Q You said you think that might be Jim
2 Penrose on the right?

3 A Possibly.

4 Q Do you recognize the person in the
5 baseball cap?

6 A I don't.

7 Q I'm sorry, just if you could go back
8 one -- one photo prior to that, the picture of the
9 Dell computer. Do you know -- do you have any
10 understanding of what that equipment is?

11 A I don't know what the function is.
12 It's -- it's clearly a Dell small desktop.

13 Q Do you understand it to be a
14 component of the Coffee County election system?

15 A It certainly could be, but I don't
16 know that to be a fact.

17 Q Okay. If you flip to the next
18 picture -- sorry, the one after the one where you
19 identified Mr. Penrose, so this would be the fourth
20 page.

21 MR. PARKER: Did you say that he
22 identified him as Mr. Penrose?

1 BY MS. KAISER:

2 Q I'm sorry, that you indicated could
3 possibly be Mr. Penrose.

4 A Yeah.

5 Q The next picture, do you recognize
6 this -- the man standing up on the left side of
7 this picture?

8 A I do not.

9 Q Do you recognize the woman sitting in
10 the office, sort of in the background of this
11 photo?

12 A I can't really see her face, but she
13 has the same body build type as Misty Hampton.

14 Q So you think that could possibly be
15 Misty Hampton?

16 A Possibly, but I can't see her face.

17 Q Next picture, this appears to show a
18 bark -- like a barcode on the bottom piece of
19 equipment. Do you see that?

20 A I do.

21 Q Do you have any understanding of what
22 this equipment is?

1 A Well, that's the -- a tag that's
2 placed on a Dell system for extended warranties.
3 And the service tag there would be the serial
4 number of that device. "Express Service Code" is
5 what you would use to get express help if something
6 goes wrong with that device.

7 Q Okay. Do you see that there's a
8 Post-it note in the bottom of this picture?

9 A I see a partial --

10 Q Yeah.

11 A -- note there. It's cut off at the
12 bottom -- well, yeah, I see the note.

13 Q All right. Do you know what is
14 written on that note?

15 A Well, it says "SOS_Georgia & Votes!"

16 Q Do you know if that was a password?

17 MR. PARKER: If it's outside of the
18 consulting work that you did as an expert, you can
19 answer that as it relates to your knowledge, but if
20 you gained that knowledge from your consulting work
21 as an expert in Georgia, you should not answer it.

22 THE WITNESS: Based on that, I -- I

1 cannot answer that question.

2 BY MS. KAISER:

3 Q The last picture on the -- on 7 of
4 this. Do you see this also appears to show a
5 Post-it note with another piece of white paper on
6 top of it?

7 Do you see that?

8 A I do.

9 Q Do you -- do you recognize the code
10 that's written on that white piece of paper?

11 MR. PARKER: You can answer if it's
12 outside the knowledge from your consulting work, if
13 you remember of course.

14 THE WITNESS: So it seems similar to
15 the decryption code that I received from
16 Mr. Penrose when I downloaded the materials.

17 BY MS. KAISER:

18 Q And --

19 A I don't know if it's exact because I
20 don't have that with me --

21 Q Okay.

22 A -- but it seems similar.

1 Q And that was the encryption code that
2 you needed in order to download the materials from
3 the SullivanStrickler website. Is that right?

4 A That was the code that I needed to
5 access the devices after I had downloaded them.

6 Q So you -- Mr. Penrose sent you a set
7 of log-in credentials in order to download the
8 materials. Is that correct?

9 A That is correct.

10 Q And then once the materials were
11 downloaded, you required an encryption code to
12 access them. Is that accurate?

13 A That is correct.

14 Q You're -- you're saying this -- this
15 code here looks similar to that encryption code
16 that you needed?

17 A Yeah, I can't tell if it is exactly
18 the same or not, but it -- it seems to be similar
19 to my recollection.

20 Q Okay. Okay. Do you have any
21 understanding of what components of the Georgia
22 voting system were accessed in Coffee County on

1 January 7th, 2021?

2 A I have no personal knowledge of that
3 other than what was provided to me to examine.

4 MS. KAISER: I'm going to introduce
5 the next exhibit. This will be Exhibit 7, Tab 10.

6 (Cotton Deposition Exhibit Number 7
7 marked for identification.)

8 BY MS. KAISER:

9 Q Are you able to see Tab 7?

10 A Not yet.

11 Okay.

12 Q Do you recognize this document?

13 A I don't recognize the document.

14 Q Do you understand this to be a list
15 of the contents on the SullivanStrickler hard drive
16 that you were provided access to?

17 MR. PARKER: Do not testify to that
18 if it involves information you received as a part
19 of your consulting expert work in Georgia.

20 THE WITNESS: I cannot answer that
21 question.
22

1 BY MS. KAISER:

2 Q I'm going to go back to what we
3 marked as Exhibit 5. If you could go back to that
4 document, please.

5 The e-mail at the top of the first
6 part of this document is from Paul Maggio, sent on
7 January 8th, 2021, to Sidney Powell. Do you see
8 that document -- I mean that e-mail?

9 A I do.

10 Q And the subject line here is, "Re:
11 SSA1722." Do you see that?

12 A Yes.

13 Q "Jim Penrose Coffee County, Georgia
14 Forensic Engagement Agreement." Do you see that?

15 A I do.

16 Q And the attachment here is SSA1722
17 and 4205. Do you see that?

18 A I do.

19 Q The e-mail states, "Sidney,
20 everything went smoothly yesterday with Coffee
21 County collection. Everyone involved was extremely
22 helpful."

1 Do you see that?

2 A I do.

3 Q And it says, "We are consolidating
4 all of the data collected and will be uploading it
5 to our secured site for access by your team."

6 Do you see that?

7 A I do.

8 Q So is it your understanding that
9 SullivanStrickler uploaded everything that they
10 collected from Coffee County onto their secured
11 site?

12 MR. PARKER: Objection. He's already
13 testified he doesn't know anything about this.

14 THE WITNESS: Yeah, I don't know
15 anything about this.

16 BY MS. KAISER:

17 Q Do you know who "your team" is
18 referred to in this e-mail or "your team" --

19 A I do not.

20 MR. PARKER: He's already testified
21 he wasn't even contacted as of that time.

22

1 BY MS. KAISER:

2 Q Do you know who the e-mail address
3 "Magnolia64@[REDACTED]" is associated with?

4 A I do not.

5 Q Going back to Exhibit 7, do you see
6 that the hard drive here is named "SSA1722"?

7 MR. PARKER: He already testified
8 that he has never seen this document before.

9 MS. KAISER: I am asking him if he
10 sees at the top of the page --

11 MR. PARKER: Well, the document
12 speaks for itself.

13 THE WITNESS: Yeah.

14 MS. KAISER: Thank you, Mr. Parker,
15 I'll ask the questions.

16 BY MS. KAISER:

17 Q Do you see at the top of the
18 document?

19 A I do.

20 Q "SSA1722 Hard Drive Contents." Do
21 you see that?

22 A I do see that.

1 Q Do you recognize that as the same
2 number that was referenced in Maggio's --
3 Mr. Maggio's e-mail on Exhibit 5?

4 A I do.

5 Q Mr. Cotton, did you receive data
6 copied from Coffee County, Georgia on January 7,
7 2021?

8 A I did not.

9 Q At any time?

10 MR. PARKER: Objection.

11 You can answer if it's outside of
12 the consulting expert role that you were retained
13 for in Georgia; and if it is not, you cannot
14 answer.

15 THE WITNESS: So as I previously
16 testified, I received access to a download site on
17 or about the middle of June 2021.

18 BY MS. KAISER:

19 Q Did you ever receive a hard drive
20 or -- or any other materials containing data from
21 Coffee County, Georgia?

22 MR. PARKER: You cannot answer that

1 if it was received as a part of your consulting
2 expert role in Georgia.

3 THE WITNESS: So as I previously
4 testified, I received access to the
5 SullivanStrickler download site in the middle of
6 June of 2021.

7 BY MS. KAISER:

8 Q If you look at Exhibit 7 again. Did
9 you receive access to the files listed in
10 Exhibit 7?

11 MR. PARKER: If you -- if you
12 received that -- if you received any access related
13 to your consulting expert role, you cannot answer
14 it, but if you received it outside of that role,
15 you can.

16 THE WITNESS: I did not receive any
17 access outside of my role as a consulting expert.

18 BY MS. KAISER:

19 Q So you're not willing to testify as
20 to the contents of the data that you received
21 access to?

22 MR. PARKER: That's correct. I'm

1 instructing him not to answer based on the
2 work-product doctrine, consulting expert rules
3 cited, and also the rules cited in the log and the
4 nondisclosure agreement.

5 BY MS. KAISER:

6 Q Did you do anything to validate that
7 the data that you received access to was, in fact,
8 from Coffee County, Georgia?

9 MR. PARKER: Same objection. I'm
10 instructing him not to answer.

11 BY MS. KAISER:

12 Q You're -- you're taking your
13 attorney's instruction not to answer, Mr. Cotton?

14 A Yes.

15 MS. KAISER: I'll introduce the next
16 exhibit, this is Tab 11. This will be Exhibit 8.

17 (Cotton Deposition Exhibit Number 8
18 marked for identification.)

19 BY MS. KAISER:

20 Q Let me know when you've had a chance
21 to review Exhibit 8, Mr. Cotton.

22 A I'm pulling it up now.

1 Q I realize the type is quite small on
2 this one.

3 A Okay.

4 Q Do you recognize this document?

5 A I do not.

6 Q Do you understand this to be a list
7 of all the e-mail addresses that have had access to
8 data on this -- copied from Coffee County on the
9 SullivanStrickler secured site?

10 A I don't --

11 MR. PARKER: Objection. He lacks
12 foundation to answer. He's already said that he
13 does not recognize it.

14 You can answer the question though
15 if you know.

16 THE WITNESS: That's what it may
17 appear to be, but I don't know for certain what
18 this is.

19 BY MS. KAISER:

20 Q Okay. If you look at the ninth page
21 of this exhibit, a -- there's a Bates stamp in the
22 top right corner. It ends in 134. About a third

1 of the way down the page there, it looks like
2 there's a line entry with your name, "Ben Cotton,"
3 and your firm, "CyFIR."

4 A Correct.

5 Q Do you see that?

6 A I see that.

7 Q Is this your e-mail address,

8 BenCotton[REDACTED]

9 A That is my e-mail address.

10 Q Now, your name appears again, if
11 you -- about towards the bottom of the page -- I'm
12 sorry, going back -- going back to that first
13 entry. It says in the furthest column to the left,
14 "10SSA1722 Court Documents."

15 Do you see that?

16 A I do.

17 Q Were you given access to a folder
18 called, "Court Documents" on the SSA1722 hard
19 drive?

20 A I don't know the original name of the
21 portal. It simply brought up a list of --

22 MR. PARKER: If this relates to your

1 work as a consulting expert, you should not testify
2 about it.

3 THE WITNESS: Okay. It relates.

4 BY MS. KAISER:

5 Q All right. Further down the page,
6 there's another entry for Ben Cotton, CyFIR, and
7 your e-mail address.

8 Do you see that? It's maybe ten
9 lines up from the bottom.

10 A I see that.

11 Q There it says, furthest to the left,
12 "10SSA1722, Court Documents/Forensic Images."

13 Do you see that?

14 A I do.

15 Q Were you given access to forensic
16 images from the SullivanStrickler website?

17 MR. PARKER: Objection. Do not
18 answer that as it -- if it relates to your
19 consulting expert work based on the objections that
20 I have made today regarding work product and rules
21 related to consulting experts and the nondisclosure
22 agreement as listed in the log.

1 THE WITNESS: I cannot answer that
2 question.

3 BY MS. KAISER:

4 Q Okay. The next page, this is a page
5 ending in 135. About halfway through, you see your
6 name, "Ben Cotton," your firm, "CyFIR," your e-mail
7 address one more time.

8 Do you see that?

9 A Is this the one that has thumb drives
10 as the second column?

11 Q Yes.

12 Do you see that?

13 MR. PARKER: He is trying to
14 acclimate to which page you're looking at and
15 column. He asked you about thumb drives.

16 BY MS. KAISER:

17 Q Page 1 -- the Bates number ends in
18 135, the number at the top of the page.

19 A Okay.

20 Q And, yes, in the second column it
21 says "thumb drives."

22 MR. PARKER: We have Bates numbers in

1 the bottom right of the page. You're saying at the
2 top of the page. I'm not trying to --

3 MS. KAISER: Okay. I apologize.
4 I -- I was thinking vertically, but if you're
5 looking at it horizontally, the Bates numbers
6 should be in the bottom right.

7 MR. PARKER: Okay.

8 THE WITNESS: Yeah, I see this page.

9 BY MS. KAISER:

10 Q Okay. And about halfway down, let's
11 see, about six or seven lines down, do you see your
12 name?

13 A I do.

14 Q And your firm CyFIR?

15 A I do.

16 Q And you can confirm this is your
17 e-mail address, correct?

18 A Yes, that is my e-mail address.

19 Q Were you given --

20 A Or that was one that I was using at
21 the time. It's no longer an e-mail address.

22 Q Okay. Thank you for that

1 clarification. All right.

2 A Can you provide some --

3 MR. PARKER: Just wait for a
4 question.

5 THE WITNESS: All right.

6 MS. KAISER: I'm going to introduce
7 the next exhibit. This will be Exhibit 9.

8 (Cotton Deposition Exhibit Number 9
9 marked for identification.)

10 MR. PARKER: Are you done with page
11 135?

12 MS. KAISER: Yes.

13 MR. PARKER: Hello?

14 MS. KAISER: Yes. Could you hear me?

15 MR. PARKER: Yeah. Are you done with
16 page 135?

17 MS. KAISER: We are.

18 MR. PARKER: Okay.

19 THE WITNESS: Do you have any data on
20 this particular exhibit as to what the columns are?

21 BY MS. KAISER:

22 Q They're listed on the first page.

1 A Okay.

2 Q Do you see that?

3 A I do.

4 Q Is there something additional that
5 you'd like to tell me about this document,
6 Mr. Cotton?

7 A Well, it's the first time that I've
8 seen it, so I wanted to take a look at something.

9 Q What did you want to take a look at?

10 A I just wanted to take a look at what
11 those columns represented. Okay. Thank you.

12 Q Sure.

13 Exhibit 9 should be loaded. If
14 you'll look at the e-mail, the to/from information
15 is at the very bottom of page 1. You see it's from
16 "JPcomms2020 [REDACTED]."

17 Do you see that?

18 A Just wait one moment, please.

19 Q Sure.

20 A Which page?

21 Q At the very bottom of the first page,
22 the Bates number is -- ends in 175.

1 A Okay.

2 Q There's an e-mail from Thursday,
3 April 22, 2021, at 1:42 p.m.

4 A Yes.

5 Q JPcomms2020 [REDACTED]. Do you
6 know who that e-mail address corresponds to?

7 A JP Comms? I do not.

8 Q Do you understand -- well, it was --
9 let's see, if you flip to the next page, the
10 subject of the e-mail is, "Coffee County Forensics
11 FEDEX report."

12 Do you see that?

13 A I see that.

14 Q And the e-mail is signed by Jim
15 Penrose. Do you see that?

16 A I do.

17 Q Do you -- does that refresh your
18 recollection as to whether that JP Comms e-mail
19 address is Mr. Penrose's e-mail?

20 A I don't recognize that e-mail so. . .

21 Q All right. Mr. Penrose e-mailed
22 Mr. Maggio and said, "Paul, can you please FedEx

1 all the forensics material from the Coffee County
2 acquisition to the same address as before."

3 Do you see that?

4 A I do.

5 Q All right. And this was dated April
6 of 2021, correct?

7 A Yes.

8 Q Do you know whether Mr. Penrose was
9 requesting the forensic material from Coffee County
10 that was collected in January of 2021?

11 A I don't know.

12 Q Do you know if anybody had access to
13 the Coffee County system in April of 2021?

14 A Not to my knowledge.

15 MS. KAISER: We are going to mark the
16 next exhibit. This will be Exhibit 10.

17 (Cotton Deposition Exhibit Number 10
18 marked for identification.)

19 BY MS. KAISER:

20 Q Do you see Exhibit 10?

21 A I do.

22 Q All right. So Exhibit 10, it's on

1 the bottom of the first page. It looks like it
2 starts with that first e-mail that we just reviewed
3 from Mr. Penrose.

4 Do you see that?

5 A I do.

6 Q All right. And Mr. Maggio responded
7 at the top of the page, on the next -- that same
8 day --

9 A Uh-huh.

10 Q -- April 22nd, 2021. Do you see
11 that?

12 And he says, "Jim/Stefanie, this is
13 received and we will begin the process of copying
14 everything to a drive."

15 Do you see that?

16 A I do.

17 Q All right. And attached to this, on
18 the next page, do you see a FedEx receipt?

19 A I do.

20 Q All right. And so this was a FedEx
21 that was sent from Karen Wilson at
22 SullivanStrickler, LLC. Do you see that?

1 A I do.

2 Q And Stefanie Lambert. Do you see
3 that?

4 A I do.

5 Q Do you know whether this address,
6 [REDACTED], Royal Oak, Michigan
7 48067, do you recognize that address?

8 A I don't.

9 Q Do you know if that's Ms. Lambert's
10 address?

11 A I -- I don't. I don't recognize the
12 address.

13 Q Okay. To your knowledge, does
14 Ms. Lambert live in Royal Oak, Michigan?

15 A She lives in Michigan. I'm not sure
16 exactly where.

17 Q Okay. This FedEx receipt shows that
18 SullivanStrickler sent this package out, and its
19 ship date April 27, 2021.

20 Do you see that?

21 A I do.

22 Q Directed to Ms. Lambert at this Royal

1 Oak address, correct?

2 A Yes.

3 Q All right.

4 MS. KAISER: I'm going to introduce
5 the next exhibit, which will be Exhibit 11.

6 (Cotton Deposition Exhibit Number 11
7 marked for identification.)

8 BY MS. KAISER:

9 Q While we are introducing that, do you
10 know who Michael Lynch is?

11 A I do.

12 Q Who is Mr. Lynch?

13 A He's a private investigator that is
14 engaged by Stefanie Lambert.

15 Q Have you had any communications with
16 Mr. Lynch?

17 A Not --

18 MR. PARKER: I'm going to object.
19 What -- which of the items that the subpoena was
20 amended to and -- in the August 9th letter does
21 this relate to?

22 MS. KAISER: How any software or

1 related data were copied or otherwise obtained from
2 any such voting equipment or election records in
3 Georgia. Who all received any such software or
4 related data.

5 MR. PARKER: Well, he's already said
6 that he has no knowledge of that.

7 MS. KAISER: We're -- I'm -- we're
8 asking him questions about that, Mr. Parker. It's
9 well within the scope of the agreed-upon topics for
10 today's deposition.

11 MR. PARKER: Well, I don't agree,
12 but, you know, I'll let you continue for a bit, but
13 not -- you know, I just think you're going well
14 beyond the scope of what we agreed. For what
15 purpose, I don't know, but it doesn't relate to
16 Mr. Cotton as he has disqualified himself from
17 testifying about most all of what you have asked
18 him.

19 MS. KAISER: I'm sorry, can you
20 repeat that?

21 MR. PARKER: Can I repeat what?

22 MS. KAISER: What you just said. You

1 cut out for a minute.

2 MR. PARKER: Oh. Did the court
3 reporter get it?

4 COURT REPORTER: I did.

5 MS. KAISER: Can you read it back to
6 me, please, Felicia?

7 (The reporter read as requested.)

8 BY MS. KAISER:

9 Q Mr. Cotton, prior to preparing for
10 this deposition, have you discussed the events that
11 took place in Coffee County in January 2021 with
12 anybody?

13 MR. PARKER: Other than your lawyers
14 and other than as it relates to the consulting
15 expert work that you did in Georgia.

16 THE WITNESS: No.

17 BY MS. KAISER:

18 Q Are you aware of any other instances
19 of access to the Coffee County elections office?

20 A No.

21 Q Have you ever physically or remotely
22 accessed the Coffee County elections office?

1 A No.

2 Q Have you ever physically or remotely
3 accessed any elections office in Georgia?

4 A No.

5 Q You have provided sworn testimony
6 that you forensically analyzed the voting system
7 for Coffee County, Georgia. Is that correct?

8 A That is correct.

9 Q Will you please walk me through how
10 you came to analyze that voting system?

11 MR. PARKER: You can testify about
12 what you testified to in Arizona, but if it relates
13 to your work as a consulting expert in Georgia, you
14 cannot testify beyond that.

15 THE WITNESS: I had the occasion to
16 be able to examine the artifacts necessary to make
17 conclusions about the cybersecurity posture of the
18 EMS server in Coffee County, Georgia.

19 BY MS. KAISER:

20 Q Did you offer an expert opinion on
21 that matter?

22 A I have a -- a declaration in another

1 matter in Arizona to that effect.

2 Q Do you -- have you ever offered that
3 opinion in any litigation in Georgia?

4 A No.

5 Q How do you know that the data that
6 you analyzed came from the Dominion -- Dominion
7 voting equipment in Coffee County, Georgia?

8 MR. PARKER: You can testify only if
9 it is unrelated to the work you did as a consulting
10 expert in Georgia.

11 THE WITNESS: I came to that
12 conclusion based on my consulting work in Georgia.

13 BY MS. KAISER:

14 Q Based on the analysis that you did as
15 part of your engagement?

16 MR. PARKER: I'm sorry, I didn't hear
17 that question.

18 BY MS. KAISER:

19 Q I said, you came to that conclusion
20 as part of the analysis that you undertook as part
21 of your engagement for Ms. Lambert. Is that
22 correct?

1 A Yes.

2 Q So as you sit here today, Mr. Cotton,
3 you have no knowledge of how the data that you
4 received was obtained from voting equipment in
5 Coffee County. Is that correct?

6 A That is correct.

7 Q I want to go back to what was
8 previously marked as Exhibit 3. This is your
9 March 2021 engagement letter with Ms. Lambert.

10 We walked through this -- the
11 description of services section agreement prior --
12 previously. Do you remember that?

13 A I do.

14 Q And your engagement letter states
15 that you would provide forensic imaging of hard
16 drives, correct?

17 A If required, yes.

18 Q Did you, yourself, undertake any
19 forensic imaging of hard drives in Coffee County,
20 Georgia?

21 A I did not --

22 MR. PARKER: Do not answer that --

1 THE WITNESS: Oh.

2 MR. PARKER: -- because it is
3 protected by the consulting expert work product
4 privilege.

5 BY MS. KAISER:

6 Q You're taking your attorney's
7 instruction not to answer?

8 A Yes.

9 Q Your engagement letter states that
10 you will provide live computer analysis. Do you
11 see that?

12 A I see that.

13 Q What is under -- what is meant by
14 "live computer analysis"?

15 A So this is actually boilerplate
16 engagement here. And if required, or if we see
17 signs of a breach, we have the -- the ability to
18 analyze a forensics image in an isolated live
19 environment to determine if there are memory
20 resident pieces of malware that are -- that are
21 loaded at -- at boot or at startup. And that's
22 what that refers to.

1 Q Have you provided any live computer
2 analysis of any aspect of the Coffee County
3 Election System?

4 A No.

5 Q You testified that Mr. Penrose
6 provided the credentials necessary to access data
7 from Coffee County for you to analyze. Is that
8 correct?

9 A Yes.

10 Q Did you speak to anybody else about
11 getting access to that data?

12 A My -- the attorney that I was engaged
13 for --

14 MR. PARKER: You can't speak about
15 the content of your discussions with your attorney
16 or your work product relating to your consulting
17 work.

18 THE WITNESS: Other than the -- the
19 attorney, no.

20 BY MS. KAISER:

21 Q You didn't speak to anybody other
22 than your -- other than -- when you say "the

1 attorney," was that Stefanie Lambert?

2 A Yes.

3 Q What happened after you downloaded
4 the data from Coffee County, Georgia? What did you
5 do with it?

6 MR. PARKER: Objection. Don't go any
7 further than what you testified to in Arizona, to
8 the extent that it relates to your consulting work
9 as an expert.

10 THE WITNESS: I provided -- or I
11 performed an analysis of those provided artifacts.
12 And a portion of those conclusions are referenced
13 in the Arizona declaration.

14 BY MS. KAISER:

15 Q Did you undertake that analysis right
16 away?

17 A It's my recollection that it was
18 fairly shortly after the -- I downloaded the
19 artifacts.

20 Q Did you save that data anywhere?

21 A Which data are you speaking about?

22 Q The Coffee County data that you

1 accessed from the SullivanStrickler secured site.

2 A Yes.

3 Q Where did you save it?

4 A I saved it on my forensics
5 workstation.

6 Q That's the computer in -- in your lab
7 in Montana. Is that correct?

8 A That is correct.

9 Q But you saved a copy of it there?

10 A Yes.

11 Q Did you replicate the data in any
12 way?

13 A I did not.

14 Q Did you share the data with anybody?

15 A No.

16 Q Did you perform this analysis on your
17 own?

18 MR. PARKER: Objection. It goes into
19 his work as a consulting expert. I would instruct
20 him not answer.

21 BY MS. KAISER:

22 Q Have you worked with anybody else

1 as -- as part of your analysis of the Coffee County
2 election data, Mr. Cotton?

3 Or anybody on your behalf?

4 MR. PARKER: Same objection. I
5 instruct him not to answer.

6 BY MS. KAISER:

7 Q What voting equipment or components
8 did you analyze?

9 MR. PARKER: Same objection. I
10 instruct him not to answer.

11 BY MS. KAISER:

12 Q Did you analyze all of the data that
13 you were provided access to?

14 MR. PARKER: Same objection.

15 I instruct you not to answer.

16 BY MS. KAISER:

17 Q Did you reconfigure or in any way
18 change the Dominion software, data or files related
19 to the Georgia election system?

20 MR. PARKER: Objection.

21 I instruct you not to answer if it
22 relates to your work as a consulting expert. If

1 it's work-product doctrine, it's governed by all
2 of the rules that have been cited in the log, as
3 well as the nondisclosure agreement.

4 BY MS. KAISER:

5 Q Are you willing to answer that
6 question, Mr. Cotton?

7 A I will follow the direction of the
8 attorney.

9 Q Do you still have the Dominion data
10 files from Coffee County?

11 A Yes.

12 Q What steps, if any, have you taken to
13 secure those files?

14 A They're on isolated systems, password
15 protected on encrypted hard drives.

16 Q Does anybody have access to those
17 passwords besides you?

18 A No.

19 Q To your knowledge, who has received
20 or had access to the Dominion data from Coffee
21 County, Georgia?

22 MR. PARKER: To the extent that it

1 relates to any consulting work that you were doing
2 in Georgia, I'd instruct you not to answer.

3 THE WITNESS: I have not disseminated
4 any of that data to any party, nor have I discussed
5 that data with anyone who is not a part of Stefanie
6 Lambert's legal team.

7 BY MS. KAISER:

8 Q Are you aware of anybody outside of
9 that legal team having access to the Dominion
10 software data collected in Coffee County, Georgia?

11 A I have no personal knowledge of that.

12 MS. KAISER: I'm going to introduce
13 the next exhibit, Exhibit 11.

14 BY MS. KAISER:

15 Q Do you see that Exhibit 11,
16 Mr. Cotton?

17 A I do.

18 Q All right. This is a transcript of a
19 proceeding from the Blake versus Katie Hobbs case
20 in the District of Arizona. Do you see that?

21 A I do.

22 Q This was from July 21st, 2022. Do

1 you see that?

2 A I do.

3 Q And you testified in that proceeding,
4 did you not?

5 A Say again, please.

6 Q You testified at that proceeding. Is
7 that correct?

8 A Yes.

9 Q Okay. You testified under oath that
10 your access to Coffee County voting data was
11 authorized. Is that correct?

12 A Yes.

13 Q You said that this -- your access was
14 authorized by a Coffee County election official in
15 that case. Do you see that?

16 A Yes.

17 MR. PARKER: Where are you referring
18 to?

19 BY MS. KAISER:

20 Q I'm sorry. Do you recall that?

21 A I do recall that.

22 Q What Coffee County election official

1 were you referring to?

2 A So, once again, this was -- as it was
3 represented to me by Ms. Lambert, and I was
4 informed by an officer of the court that Misty
5 Hampton had approved the collection and the
6 preservation of those voting systems.

7 Q Did you believe that Ms. Hampton had
8 the authority to grant that authorization?

9 A I did.

10 Q What's the basis for that belief?

11 A Based on a representation by my
12 attorney that she was authorized to do that.

13 Q You testified in this proceeding that
14 you were aware that Misty Hampton was under
15 investigation. Is that right?

16 A Yes.

17 Q Can you please tell me what you know
18 about that investigation?

19 A I really don't know anything about
20 that investigation other than the fact that based
21 on news reports and representations by Ms. Lambert,
22 that she was under investigation and that she had

1 retained Ms. Lambert as her attorney.

2 Q With respect to that investigation?

3 A I would assume so.

4 Q And I believe you testified -- you
5 said today that you have never been contacted by an
6 investigator in relation to Misty Hampton. Is that
7 right?

8 A I have not.

9 Q I'm going to switch topics. Are you
10 okay to keep going for a few minutes or would you
11 like a break, Mr. Cotton?

12 A If you don't mind, I've been drinking
13 a few diet Cokes, so --

14 Q Sure.

15 A -- I could hit the bathroom.

16 Q No problem. We'll take a short
17 break. Five or ten minutes, is that sufficient?

18 A Sure.

19 Q Okay. Thanks.

20 VIDEOGRAPHER: The time is
21 approximately 11:48 a.m. We are going off the
22 video record.

1 (Recess from 11:48 a.m. to 12:01 p.m.)

2 VIDEOGRAPHER: The time is
3 approximately 12:01 p.m. We are back on the video
4 record. Go ahead.

5 BY MS. KAISER:

6 Q Mr. Cotton, we were just speaking
7 about Misty Hampton and your belief that she had
8 authority to authorize your access to the Coffee
9 County voting data.

10 Are you aware that Ms. Hampton was
11 fired from her job in February of 2021?

12 A I am not.

13 Q You met Ms. Hampton in approximately
14 April of 2021. Is that right?

15 A That's correct.

16 Q And that by that time she had
17 retained Ms. Lambert as her attorney. Is that
18 right?

19 A That's my understanding, yes.

20 Q Did you have an understanding of why
21 she needed an attorney?

22 A I -- my understanding was, is that

1 she was being harassed by the -- by the County.
2 And there was possible action -- I was unclear as
3 to what action that it would have been that was
4 going to be taken against her.

5 Q By the County?

6 A By the County.

7 Q And so your understanding is
8 Ms. Lambert was hired to represent her in the
9 defense of an action by Coffee County?

10 A Yes.

11 Q Did she tell you anything about that
12 when you met with her in April of 2021?

13 A We did not discuss what was going on
14 in Coffee County when I met her in April.

15 Q Did you discuss her -- why she had
16 retained Ms. Lambert?

17 A I did not. And, you know, it's not
18 my place.

19 MS. KAISER: I'm going to mark the
20 next exhibit, which I think is going to be
21 Exhibit 12.
22

1 (Cotton Deposition Exhibit Number 12
2 marked for identification.)

3 BY MS. KAISER:

4 Q Do you see that exhibit, Mr. Cotton?

5 A Yes.

6 Q This is a declaration that you gave
7 in the Lake v. Hobbs case in Arizona. Is that
8 correct?

9 A That is correct.

10 Q And this was filed on June 8, 2022?

11 A That is correct.

12 Q Do you recognize this document?

13 A I do.

14 Q If you look at page 2, paragraph 9,
15 it says, "In the course of my duties, I have
16 forensically examined Dominion Democracy Suite
17 voting systems in Maricopa County, Arizona, Antrim
18 County, Michigan, Mesa County, Colorado, and Coffee
19 County, Georgia." Is that right?

20 A That's correct.

21 Q Okay. On the next -- on page 5, this
22 is paragraph 17(b) -- or excuse me, 18(b), at the

1 bottom of page 5. It says, "Based on my analysis
2 of the analyzed election systems in Maricopa
3 County, Arizona, Fulton County, Georgia, Antrim
4 County, Michigan, Mesa County, Colorado, and Coffee
5 County, Georgia."

6 Do you see that?

7 A I do.

8 Q Have you also forensically analyzed
9 the Dominion Democracy Suite software from Fulton
10 County, Georgia?

11 A I have not. I have examined
12 artifacts.

13 Q What do you mean -- what distinction
14 are you making there?

15 A I have not analyzed the entire -- I
16 did not have access to the entire EMS system in
17 Fulton County, Georgia.

18 Q Did you have access to the entire EMS
19 system in the other counties listed in this
20 declaration?

21 A I have access to --

22 MR. PARKER: Don't answer that

1 question.

2 THE WITNESS: Oh.

3 MR. PARKER: It goes outside the
4 scope of the subpoena. And it also requires
5 regarding work product.

6 BY MS. KAISER:

7 Q Did you have access to the entire EMS
8 system for Coffee County, Georgia?

9 MR. PARKER: Don't answer that
10 question. It goes to the issue -- or it goes to
11 the work-product doctrine, and it's prohibited by
12 the work-product doctrine as it relates to your
13 consulting expert work.

14 BY MS. KAISER:

15 Q Can you please continue to explain
16 what you meant by you have not accessed the entire
17 EMS system for Fulton County, Georgia, Mr. Cotton?

18 A Yeah, so the subpoena -- subpoenas
19 and the FOIA requests results came in very, I
20 guess, fractionalized, is the best way to put that.
21 And so I had access to some vet logs and some
22 publicly produced printout tapes that were

1 subsequently digitized from the -- from the polling
2 devices.

3 Q What devices were those?

4 MR. PARKER: Don't answer that. That
5 goes beyond the -- the scope of what you testified
6 to in Arizona.

7 BY MS. KAISER:

8 Q I'm asking about the subject of your
9 sworn testimony in this declaration, Mr. Cotton.

10 MR. PARKER: Don't answer that
11 question.

12 BY MS. KAISER:

13 Q You indicated that the data that you
14 analyzed -- looked at for Fulton County, Georgia
15 was received in response to FOIA requests. Is that
16 correct?

17 A My understanding from the legal team
18 is that they were as a result of FOIA and subpoena
19 requests.

20 Q Did you personally file any of those
21 FOIA requests or was that done by the legal team?

22 A That was done by the legal team.

1 Q How did you get access to the
2 information that you analyzed from Fulton County?

3 MR. PARKER: Beyond what you've
4 testified to in Arizona, do not answer the question
5 as it goes to work product, as well as your work as
6 a consulting expert.

7 BY MS. KAISER:

8 Q Is there anything that you can tell
9 me about that, Mr. Cotton?

10 A I'm following the advice of the
11 attorney.

12 Q When did you perform this analysis of
13 information from Fulton County, Georgia?

14 A I began working with them in
15 September of -- around or about September of 2021.

16 Q How do you know that the data that
17 you analyzed came from Dominion voting equipment in
18 Fulton County, Georgia?

19 MR. PARKER: Only answer to the
20 extent that it is part of your testimony in
21 Arizona. If it goes beyond that at all, and is
22 related to your consulting work, then it is work

1 product or governed by the consulting expert rules.

2 THE WITNESS: My determination was
3 based on my -- my consulting expert opinion and
4 work product.

5 BY MS. KAISER:

6 Q Let's go back to what was marked as
7 Exhibit 2. It's the letter from your attorney
8 dated August 24th in the privileged log.

9 Do you see that? Do you have that in
10 front of you?

11 A We just brought it up. And which one
12 are we looking at here?

13 Q The Bates number BC0010. Do you see
14 that?

15 A Yes.

16 Q Described as "March 22nd, 2022,
17 Fulton County Certification of Records, produced
18 pursuant to a FOIA request."

19 Do you see that?

20 A I do.

21 Q Did you seek certification of records
22 from Fulton County, Georgia?

1 A I --

2 MR. PARKER: Objection.

3 Don't answer that as it relates to
4 your work as a consulting expert in the case.

5 BY MS. KAISER:

6 Q Are you not answering that question,
7 Mr. Cotton?

8 A I'm following the direction of my
9 attorney.

10 Q Did you seek similar certification
11 records for Coffee County, Georgia?

12 MR. PARKER: Same objection.

13 I'm instructing you not to answer.

14 BY MS. KAISER:

15 Q And you're following your attorney's
16 instruction, Mr. Cotton?

17 A Yes.

18 Q We can go back to Exhibit 12, your
19 declaration from the Arizona case. I'm going back
20 to paragraph 9 where you say, "I forensically
21 examined Dominion Democracy Suite voting systems
22 for the counties listed here."

1 What components of the Dominion
2 Democracy voting systems did you analyze?

3 MR. PARKER: Do not answer that
4 question to the extent it goes beyond what you've
5 stated in your declaration, because it relates to
6 your consulting work as an expert in Georgia.

7 BY MS. KAISER:

8 Q Are you refusing to answer that
9 question, Mr. Cotton?

10 A I am following the advice of my
11 attorney.

12 Q The next paragraph says, "I reviewed
13 the administrative manuals and documentation from
14 the Dominion Democracy Suite software and hardware
15 components."

16 Do you see that?

17 A I do.

18 Q What administrative manuals and
19 documentation did you review as part of your
20 analysis?

21 A I reviewed the publicly available
22 documents that are downloadable from the internet

1 pertaining to the operation and function of the
2 Democracy Suite.

3 Q Do you have any knowledge of how the
4 data that you analyzed from Fulton County was
5 captured?

6 MR. PARKER: Objection.

7 It relates to the work you did as a
8 consulting expert. You can testify whether you
9 have knowledge, yes or no, but not what that
10 knowledge is.

11 BY MS. KAISER:

12 Q Do you have any knowledge of how that
13 data was captured, Mr. Cotton?

14 A No.

15 Q Did you, yourself, ever have access
16 to the Fulton County, Georgia voting system?

17 A No.

18 Q Either in person or remotely?

19 A No.

20 Q Did you, yourself, undertake any
21 forensic imaging of the Fulton County voting
22 system?

1 A No.

2 MR. PARKER: This relates to your
3 work as a consulting expert. The last three
4 questions did, and I allowed you to answer them,
5 but they all relate to your consulting work. So
6 they're governed by the work-product doctrine.

7 BY MS. KAISER:

8 Q By what means did you receive the
9 data that was from Fulton County, Georgia?

10 A I received them --

11 MR. PARKER: Same objection.

12 Don't answer that question.

13 THE WITNESS: Okay.

14 BY MS. KAISER:

15 Q Was it from an attorney?

16 A Yes.

17 MR. PARKER: Same --

18 BY MS. KAISER:

19 Q What happened when you received the
20 data from Fulton County, Georgia?

21 MR. PARKER: I'm sorry. I didn't
22 hear that question.

1 BY MS. KAISER:

2 Q What happened when you -- after you
3 received the data from Fulton County, Georgia?
4 What did you do with it?

5 MR. PARKER: Objection. That
6 violates the work-product doctrine to answer.

7 So you may not answer it, as a
8 consulting -- as it relates to your work as a
9 consulting expert.

10 BY MS. KAISER:

11 Q Did you save the data anywhere?

12 MR. PARKER: Same objection.

13 Do not answer.

14 BY MS. KAISER:

15 Q Did you begin your analysis of the
16 data right away?

17 A Yes.

18 Q Are you aware of anybody else having
19 access to data from the Fulton County, Georgia
20 election system?

21 MR. PARKER: Same objection.

22 I'm instructing you not to answer.

1 BY MS. KAISER:

2 Q Was your analysis of the Fulton
3 County, Georgia data done in connection with your
4 engagement by Stefanie Lambert?

5 A No.

6 Q Was it done in connection with your
7 engagement by Todd Harding?

8 A Yes.

9 Q Did you do anything with the Dominion
10 software data from Fulton County, Georgia other
11 than analyze it?

12 A No.

13 Q Do you still have -- do you still
14 have the Dominion software data from Fulton County,
15 Georgia?

16 A I have three items.

17 Q Are those saved on your computer
18 that's in your lab in Montana?

19 A Yes.

20 Q What have you done to secure those --
21 those files?

22 A It's on an isolated system. It's a

1 hardware-encrypted disk with a password required to
2 access the disk and a separate password to access
3 the system itself.

4 Q Who authorized access to voting
5 equipment -- or, excuse me, voting data from Fulton
6 County, Georgia?

7 MR. PARKER: Objection.

8 Work -- work product. And to the
9 extent it's part of your consulting work, you
10 cannot answer. If not, you can.

11 THE WITNESS: So it was represented
12 that this data was a result of subpoenas and FOIA
13 requests to Fulton County.

14 BY MS. KAISER:

15 Q Did anyone other than Mr. Harding
16 facilitate your access to the voting data from
17 Fulton County, Georgia?

18 A Not that I recall.

19 Q If you will look at the privilege log
20 that's been marked as Exhibit 2 again, Mr. Cotton.
21 The Bates number BC0009, do you see that?

22 A Just one moment, please.

1 Yes.

2 Q The description here is,
3 "6/12/2021 Communication with log-in credentials
4 for the forensic images to be analyzed on behalf of
5 S. Lambert."

6 Do you see that?

7 A Yes.

8 Q Are these forensic images from Coffee
9 County, Georgia?

10 MR. PARKER: Objection.

11 Don't testify to that. That goes
12 to the work-product doctrine, as well as your
13 work as a consulting expert and the nondisclosure
14 agreement and the rules related to it.

15 BY MS. KAISER:

16 Q Mr. Cotton, I think that you
17 testified previously that you got access to the
18 Coffee County voting data in around June 11th or
19 June 12th of 2021. Is that correct?

20 A That is correct.

21 MS. KAISER: I'm going to introduce
22 the next exhibit. I believe it will be 13.

1 (Cotton Deposition Exhibit Number 13
2 marked for identification.)

3 BY MS. KAISER:

4 Q Mr. Cotton, do you have an e-mail
5 program opened right now?

6 A I do not.

7 Q Does your attorney?

8 A No. My attorney is right here
9 with -- with me in the room.

10 Q Okay. Because we hear a ding coming
11 through. It sounds like it's a message or an
12 e-mail system. Is that coming from your end?

13 A I have a cellphone, but it is turned
14 off -- or it's not turned off, but it's not open or
15 interacting.

16 Q Can you please confirm that you don't
17 have your e-mail or any text applications open
18 right now?

19 A That is correct.

20 Q You're not communicating with anybody
21 other than the attorney sitting next to you?

22 A I am not.

1 Q Thank you.

2 Did you see Exhibit 13?

3 A I -- yes, I see it.

4 Q If you look at the third page of the
5 document, it's an e-mail from James Barnes, dated
6 May 7, 2021.

7 Do you see that?

8 A I do.

9 Q And do you know who James Barnes is?

10 A I do not.

11 Q Are you aware that he replaced Misty
12 Hampton as the Coffee County elections director in
13 Georgia?

14 A I am not aware of that.

15 Q The e-mail is to Wharvey@SOS.ga.gov.
16 Do you know whose e-mail address that?

17 A I don't.

18 Q Mr. Barnes' e-mail says that he --
19 let's see, it's to Chris Harvey, who works at the
20 Secretary of State's office in Georgia. He said --
21 in the second sentence here he says, "When I took
22 over at the Coffee County office, the attached

1 business card was at the base of Misty Hampton's
2 computer monitor."

3 Do you see that?

4 A I see that.

5 Q And he goes on, "I thought nothing of
6 it until I heard about the situation in Arizona
7 with the DOJ. If she did not use them, she was at
8 the very least in contact."

9 Do you see that part of the e-mail?

10 A I do.

11 Q Okay. And if you flip to the page --
12 flip the page, do you see on the next page a
13 business card from Douglas Logan?

14 A I -- I see it. It's very grainy.

15 Q Right. But can you see --

16 A I can make out his name, but I can't
17 make out any other data.

18 Q But you do see where it says "Cyber
19 Ninjas"?

20 A I do.

21 Q Okay. Do you know why Misty Hampton
22 had Doug Logan's business card on her computer

1 monitor?

2 MR. PARKER: Objection. There's --
3 there's no foundation.

4 You can answer if you even know
5 that they were connected in any way.

6 THE WITNESS: I have no idea.

7 BY MS. KAISER:

8 Q Do you know if Doug Logan ever went
9 to Coffee County, Georgia?

10 MR. PARKER: Disqualify himself. You
11 can answer if you know.

12 THE WITNESS: I'm sorry. Can you
13 repeat the question?

14 BY MS. KAISER:

15 Q I said, do you know if Doug Logan
16 ever went to Coffee County, Georgia?

17 A I don't know.

18 Q Do you know whether Mr. Logan was in
19 any way connected with the -- accessing the voting
20 system in Coffee County, Georgia?

21 A I don't have any personal knowledge
22 of any of those activities.

1 Q Do you know who Mike Lindell is?

2 A I've seen him on TV.

3 Q Do you know if Mr. Lindell is
4 connected in any way with accessing the voting
5 system in Coffee County, Georgia?

6 A I have no knowledge about any of
7 that.

8 Q Do you know who Russell Ramsland is?

9 A I'm sorry. The computer dinged when
10 you were saying your question.

11 Q Do you know who Russell Ramsland is?

12 A I've heard the name, but I don't know
13 him. I don't believe I ever met him.

14 Q Do you know if he was connected in
15 any way with accessing the voting system in Coffee
16 County, Georgia?

17 A No.

18 And let me make this perfectly clear,
19 I have no knowledge whatsoever about the imaging of
20 any systems in Coffee County, Georgia. I have no
21 personal knowledge of that at all.

22 MS. KAISER: I'm going to mark the

1 next exhibit as 14.

2 (Cotton Deposition Exhibit Number 14
3 marked for identification.)

4 BY MS. KAISER:

5 Q Do you know who Alex Halderman is?

6 A I know of him by reputation, and he
7 was an opposing expert in Michigan.

8 Q Are you aware that he submitted a
9 report in this case regarding the Dominion Voting
10 System in Georgia?

11 A I am.

12 Q What do you know about that report?

13 A Well, it seemed like a fairly
14 thorough report documenting the vulnerabilities of
15 the Dominion Voting System in, I believe, it's
16 Fulton County.

17 Q How did you hear about that report?

18 A Well, it was on the news. It was
19 released under seal. And as I am involved in some
20 of the election analysis, I reviewed that report.

21 Q You -- I'm sorry, you said you
22 reviewed the report?

1 A Yes.

2 Q So you've seen the report itself?

3 A I have.

4 Q So you're aware that Dr. Halderman's
5 report details a number of -- of serious security
6 vulnerabilities in Georgia's Dominion voting
7 system?

8 A I am.

9 Q Have you undertaken any analysis
10 regarding the vulnerabilities identified in
11 Dr. Halderman's report?

12 MR. PARKER: If it's not part of your
13 consulting -- well, no.

14 Actually, if it's not part of your
15 consulting, then how is it within the bounds of
16 the amended subpoena, Mary? Which of the items
17 are you inquiring about?

18 MS. KAISER: I'm just asking a
19 question, and it's up to you to object, Mr. Parker.

20 MR. PARKER: Well, I'm giving you the
21 opportunity to explain to me where it fits so that
22 I don't object. I'll object. If you don't want to

1 tell me, that's fine. I view it as beyond the
2 scope.

3 MS. KAISER: I'm going to introduce
4 one last exhibit. This will be 15.

5 (Cotton Deposition Exhibit Number 15
6 marked for identification.)

7 MR. PARKER: Are you referring to
8 Exhibit 14 now?

9 BY MS. KAISER:

10 Q I'm sorry. I want to -- I want to
11 ask one more question about the Halderman report,
12 Mr. Cotton. How did you get access to that report?

13 MR. PARKER: I'm going to object that
14 it's beyond the scope of the questioning here.

15 MS. KAISER: Well, he testified that
16 he's looked at the report and I'm asking how he
17 accessed the report.

18 MR. PARKER: I understand that. I
19 think it goes beyond the scope of the subpoena. I
20 did let you go into a few questions about it, but
21 unless you can explain how it was part of the
22 subpoena, I'm going to instruct him not to answer

1 because it's beyond the scope, but if you disagree,
2 please let me know.

3 BY MS. KAISER:

4 Q Was it related to your engagement as
5 an expert, Mr. Cotton, or was this just in your
6 personal capacity?

7 A It was related to my engagement as an
8 expert.

9 Q Was the report provided to you by an
10 attorney?

11 A It was.

12 Q Was it provided to you by Stefanie
13 Lambert?

14 A It was not.

15 Q Was it provided to you by Todd
16 Harding?

17 A It was not.

18 Q What attorney -- was it provided to
19 you by an attorney with whom you have an
20 engagement?

21 A Yes.

22 Q What attorney was that?

1 A With Parker Daniels in preparation
2 for the Arizona hearing.

3 Q Approximately when did he give you
4 access to that report?

5 A That would have been the middle to
6 end of July.

7 MR. PARKER: Hold on. I want to
8 inquire with Mr. Cotton.

9 (Counsel and witness conferred.)

10 THE WITNESS: I -- I stand corrected.
11 I was provided a declaration by Mr. Halderman, not
12 a report.

13 BY MS. KAISER:

14 Q A declaration submitted in this case
15 to your understanding?

16 A That was my understanding.

17 Q But not to his expert report. Is
18 that correct?

19 A No.

20 Q So Exhibit 15, do you have that up
21 now, Mr. Cotton?

22 MR. PARKER: Did you say 15?

1 MS. KAISER: 15, yes.

2 MR. PARKER: So 14 you skipped over,
3 right?

4 MS. KAISER: No, I didn't have any
5 questions specifically related to the document.

6 MR. PARKER: All right. Okay. We
7 have up 15.

8 BY MS. KAISER:

9 Q Okay. Do you recognize this
10 document, Mr. Cotton?

11 A I do.

12 Q What is this?

13 A It is a CISA Advisory Report
14 Detailing Vulnerabilities Affecting Dominion Voting
15 Systems in the ImageCast X, also known as an BMD.

16 Q Have you seen this advisory before?

17 A I have.

18 Q To your understanding, is the
19 Dominion -- the Dominion Democracy Suite ImageCast
20 X the same model that's used in Georgia?

21 A Yes.

22 Q Have you reviewed this CISA advisory?

1 A Excuse me.

2 VIDEOGRAPHER: Andrew, you're
3 drifting quite a bit into the picture.

4 MR. PARKER: Oh, sorry.

5 VIDEOGRAPHER: Thank you.

6 THE WITNESS: Can you repeat the
7 question, please?

8 BY MS. KAISER:

9 Q Have you reviewed this advisory?

10 A I have.

11 Q Have you validated any of the
12 vulnerabilities described in this advisory?

13 A That would go into my -- my work
14 product, but I will tell you that I don't disagree
15 with anything in the advisory.

16 Q Okay.

17 MR. PARKER: And be sure not to be
18 violating the work-product analysis, conclusions,
19 information that you received.

20 THE WITNESS: Okay.

21 BY MS. KAISER:

22 Q I have one follow-up question

1 regarding the event at which you met -- met Misty
2 Hampton in April of 2021. Where did that take
3 place, that meeting?

4 A It was in Michigan. I met her over
5 dinner, I believe.

6 Q Do you recall where you had dinner?

7 A I don't.

8 Q And who all was at that dinner?

9 A Myself, Misty Hampton, Stefanie
10 Lambert.

11 Q Just the three of you?

12 A Yeah.

13 MS. KAISER: All right. Mr. Cotton,
14 if you would just give us about -- about five
15 minutes. My colleague -- or co-counsel, Bruce
16 Brown, I think, is going to have a couple of
17 questions for you, too, but if you could just let
18 me confer quickly with my colleagues, we'll be
19 right back on.

20 We can go off the record.

21 VIDEOGRAPHER: The time is
22 approximately 12:33 p.m. We are going off the

1 video record.

2 (Recess from 12:33 p.m. to 12:27 p.m.)

3 VIDEOGRAPHER: The time is
4 approximately 12:47 p.m. We are back on the video
5 record. Go ahead.

6 BY MS. KAISER:

7 Q Mr. Cotton, you testified that Parker
8 Daniels provided you a document from Alex Halderman
9 in preparation for your testimony in Arizona. Is
10 that right?

11 A Yes.

12 Q And approximately when was that?

13 A The middle of July.

14 Q This year?

15 A Yes.

16 Q Okay. Approximately how long was
17 that document that you reviewed?

18 A It was several pages. I don't recall
19 the exact number.

20 Q Okay. So your recollection is that
21 it was just -- it was, you know, just maybe five to
22 ten pages? Something like that?

1 MR. PARKER: Objection.

2 Only testify if you know.

3 THE WITNESS: I don't recall the
4 number of pages.

5 BY MS. KAISER:

6 Q Okay.

7 A It was more than one.

8 Q Okay.

9 MS. KAISER: I'm going to mark the
10 next exhibit. This will be Exhibit 16.

11 (Cotton Deposition Exhibit Number 16
12 marked for identification.)

13 BY MS. KAISER:

14 Q Do you see it?

15 A Not yet.

16 Q Okay.

17 A Yeah, I see it.

18 Q Great.

19 This is a declaration from
20 Dr. Halderman. If you could scroll to the last
21 page, you can see he signed it. It's dated
22 July 12, 2021.

1 A Yes.

2 Q Does this look like the -- the
3 document that you reviewed?

4 A It does.

5 Q And your testimony is that -- that
6 you did not review the Halderman expert report,
7 just the declaration. Is that right?

8 A Just the -- just the declaration.

9 MS. KAISER: All right. Thank you,
10 Mr. Cotton. I don't have any additional questions
11 for you. My colleague, Bruce Brown, is going to
12 ask a few questions.

13 EXAMINATION BY COUNSEL FOR COALITION PLAINTIFFS
14 BY MR. BROWN:

15 Q Mr. Cotton, my name is Bruce Brown,
16 and I represent the Coalition Plaintiffs in this
17 case. I'm going to go over some of your testimony.
18 And it could very well be that it is repetitive,
19 but in that case, you will probably be able to
20 answer quickly. So I think those questions,
21 although repetitive, will go quickly.

22 Getting back to the start -- can you

1 hear me okay?

2 A I can.

3 Q Okay. Getting back to the start of
4 your testimony, you testified about how you
5 collected documents in response to the -- the
6 subpoena.

7 Do you recall that testimony?

8 A Yes.

9 Q And you described -- you described
10 collecting a lot of files and -- and giving them to
11 your attorney.

12 You with me?

13 A Yes.

14 Q And with respect to the files that
15 you gave to your attorney, your attorney lodged an
16 objection for you not to answer. I want to ask you
17 a different question, and that is: I don't want to
18 know what you gave to your attorney. I want to
19 know how many files you collected of documents that
20 you thought were responsive to the subpoena.

21 MR. PARKER: Objection as to the form
22 of the question as it relates to responsive to the

1 subpoena.

2 Go ahead.

3 THE WITNESS: So let me -- let me
4 clarify this for you and the other attorneys. When
5 I did the search, I included search terms and
6 e-mail addresses and things that had an
7 overly-broad collection. So in other words, those
8 same search terms would return documents that were
9 not related to this matter, but I did not review
10 those documents myself as to whether or not they
11 pertained specifically to this subpoena. I relied
12 on my attorneys to do that for me.

13 BY MR. BROWN:

14 Q And so you gave your -- so you
15 collected more documents that might have been
16 responsive. Is it fair to say?

17 A Yes. I -- I am certain that there
18 were documents in there that were not responsive,
19 but because of the search terms, they came up as --
20 as hits on the -- on the collection.

21 Q And do you still -- is there still a
22 copy of what you collected somewhere?

1 A I would have to ask the -- the
2 attorneys about that.

3 Q Okay. Do you know who Shawn Still
4 is?

5 A Can you say the last name again?

6 Q Still, S-T-I-L-L.

7 THE WITNESS: Was he one of the --
8 no.

9 I -- I don't recall that name.

10 BY MR. BROWN:

11 Q How about Kurt Hilbert, do you recall
12 that name?

13 A I don't.

14 Q How about Robert Sinners,
15 S-I-N-N-E-R-S?

16 A I do not.

17 Q Okay. You testified that you had
18 read press accounts, and you said that some of the
19 press accounts about you were not true. Can you
20 elaborate on your response, please?

21 A Well, based on my reading, they were
22 not factual.

1 Q Which -- what statements?

2 A You know, I don't recall the exact --

3 MR. PARKER: Bruce, what -- what part
4 of the subpoena is this questioning related to?

5 MR. BROWN: Every part of the
6 subpoena.

7 MR. PARKER: Talking about what a
8 press release said about Ben Cotton? Where in the
9 subpoena?

10 MR. BROWN: No. I'm talking about
11 his knowledge of what the press said was false.
12 The press was talking about Coffee County, so I
13 want to know what he thinks the press got wrong.
14 BY MR. BROWN:

15 Q Was there anything they got wrong,
16 Mr. Cotton?

17 MR. PARKER: You didn't refer to
18 Coffee County or Georgia anywhere in your question.
19 BY MR. BROWN:

20 Q Mr. Cotton, your -- your lawyer makes
21 a good point.

22 With respect to Coffee County,

1 Georgia, was there anything wrong with what the
2 press said about you?

3 A Well, the insinuation clearly in some
4 of the press stories -- and I don't recall the
5 exact articles -- where I was under indictment in
6 Coffee County for illegal access to voting systems.
7 And that clearly is wrong.

8 Q What else?

9 A That -- that's what sticks -- that's
10 what jumped into my memory when -- when you asked
11 the question. I don't --

12 Q Not only -- not only have you not
13 been indicted, nobody from Georgia has even
14 contacted you, right?

15 A Correct.

16 Q And do you know -- can you tell me,
17 or can Andrew tell me, if they've contacted your
18 attorney?

19 A Not to my knowledge.

20 Q And I mean, Georgia Secretary of
21 State, Georgia State Election Board, Georgia
22 Bureau --

1 A None --

2 Q -- of Investigation?

3 A None of the above.

4 Q How about the FBI?

5 A No.

6 Q And I believe your declaration in
7 Arizona was in April of this year. Is that right?

8 A No. The declaration in Arizona was
9 July -- the end of July --

10 Q Okay.

11 A -- of this year.

12 Q And then did you give testimony prior
13 to that?

14 A I have presented --

15 Q Well, let me ask -- let me -- let me
16 back up and you'll see where I'm going on this.

17 To the best of your recollection,
18 when did you publicly disclose that you had
19 examined a forensic copy of election files or data
20 from Coffee County?

21 A That would have been in the
22 declaration on -- on or about the 21st of July.

1 Q Okay.

2 A And I said I forensically examined.

3 Q And after that was made public, you
4 got no call from any official in Georgia, right?

5 A I did not.

6 MR. PARKER: Bruce, I think the date
7 on that would be part of the public record, part of
8 the record maybe even in this deposition.

9 BY MR. BROWN:

10 Q You testified at the start of your --
11 your testimony earlier today about team one and
12 team two, is the way that you described the work
13 that you did in Georgia. Team, or group one,
14 something to that effect, was VoterGeorgia.org in
15 Gwinnett County.

16 Do you recall that?

17 A Well, VoterGA had legal matters
18 pending in both of those -- in both Fulton County
19 and Gwinnett, Georgia.

20 Q I see. So the VoterGA.org matter
21 involved both Fulton County and Gwinnett County.
22 Is that right?

1 A Correct.

2 Q And what was the scope of your expert
3 testimony or what were you engaged to do with
4 respect to the VoterGeorgia.org matter?

5 A I was engaged to review artifacts
6 that were produced via subpoena and FOIA requests.

7 Q And when you say "artifacts," I think
8 of Grecian urns and things like what, but what do
9 you mean when you say artifacts?

10 MR. PARKER: I would instruct you not
11 to answer as that goes into the facts that you were
12 given to review and analyze as part of your
13 consulting expert work.

14 BY MR. BROWN:

15 Q Well, you didn't -- you didn't review
16 Grecian urns, right?

17 What do you mean by "artifacts" when
18 you say that word?

19 MR. PARKER: Again, I'd instruct you
20 not to answer any further.

21 BY MR. BROWN:

22 Q Let me back up a little bit because

1 this raises a good issue.

2 When you're engaged as an expert, the
3 value that you provide is your professional
4 expertise brought to bear on a particular problem
5 that you are engaged to analyze. Fair to say?

6 A Yes.

7 Q You're not hired to describe the
8 artifacts, are you?

9 A In the forensic sense, yes, you are,
10 because you have to be able to accurately depict
11 and report as to what you examined should you be
12 required to testify.

13 Q I don't want to know about your
14 opinions for VoterGeorgia.org. I don't want to
15 know anything that involved any expertise. All I
16 want to know is what you looked at.

17 Do you follow me?

18 MR. PARKER: Bruce, I think we have a
19 disagreement on the scope and breadth of the
20 work-product doctrine, mental impressions,
21 conclusions drawn that an expert makes are
22 certainly protected under the work-product

1 doctrine; but also protected is information that
2 they are given to review and analyze as a
3 consulting expert, not a testifying expert. That
4 is all protected information.

5 Some call it the work-product
6 doctrine, others call it consulting expert rules.
7 Some say one is broader than the others, others
8 say the opposite. But in this context, the
9 questioning that you're going into at this point
10 because it's not our privilege to open, we have
11 to lodge this objection.

12 So I am instructing him not to
13 answer as it relates to specifics about what it
14 was that he was given to review. And he hasn't
15 done that. He's given a general statement of the
16 word "artifacts" and that's all.

17 MR. BROWN: I understand. I need to
18 ask some questions and -- and get some objections
19 to simply preserve the record, Andrew.

20 MR. PARKER: Okay.

21 MR. BROWN: Bear with me.
22

1 BY MR. BROWN:

2 Q You testified that some of the
3 artifacts were obtained by FOIA and some were
4 obtained via a subpoena.

5 You with me, with respect to the
6 Voter.org matter?

7 A That was my understanding.

8 Q And were any artifacts obtained not
9 by subpoena or FOIA requests, to the best of your
10 knowledge?

11 A Not -- not to the best of my
12 knowledge.

13 Q Were any artifacts from Coffee County
14 obtained pursuant to subpoena, to the best of your
15 knowledge?

16 A I don't know how those were
17 collected. I don't know the circumstances
18 surrounding the imaging of those artifacts.

19 Q Were any of the artifacts from Coffee
20 County obtained by a FOIA request?

21 A Once again, I don't know how the
22 artifacts came to be, who -- who preserved them or

1 anything of that. I was not involved in any of
2 those actions.

3 Q Did you ever ask?

4 A I inquired of my attorney on the
5 legality of the evidence. And, furthermore, if you
6 refer to paragraph 10, I believe, in Exhibit 3,
7 which is the engagement letter, paragraph 10 is
8 something that the attorneys agreed to. And they
9 signed it. And that states that this evidence was
10 obtained legally and that they had the authority to
11 grant me permission to examine this evidence.

12 Q Is that language that you insisted be
13 in the engagement letter?

14 A That's language that is boilerplate
15 for all of my forensics engagements.

16 Q So other than getting your client's
17 representation that it's authorized, do you do
18 anything else to determine the legality of the
19 capture of the data that you're asked to analyze,
20 typically?

21 A In this particular case, I asked the
22 attorney some facts about the -- about these --

1 these artifacts, and she informed me that her
2 client had the authority to preserve the election
3 data as part of her duties as an elected --
4 election official in the state of Georgia.

5 Q And when did your attorney inform you
6 that Misty Hampton had that authority?

7 A It would have been in the June time
8 frame of 2021.

9 Q That was after --

10 MR. PARKER: To be clear, Bruce, for
11 the record, when you say "your attorney," you're
12 talking about the attorney who retained you --

13 THE WITNESS: Correct.

14 MR. PARKER: -- to be an expert?

15 THE WITNESS: Correct.

16 This would have been Stefanie
17 Lambert.

18 BY MR. BROWN:

19 Q Thank you. I appreciate that
20 clarification.

21 And -- and you didn't know -- did you
22 know by June 2021 that Misty Hampton was no longer

1 an employee of Coffee County?

2 A I don't believe I did in -- in June.
3 I now know, based on our conversations and things,
4 that she was terminated later, but I don't believe
5 I knew that in June of 2021.

6 Q And I believe you already testified
7 that when you had a dinner with Ms. Lambert and
8 Misty Hampton in -- I believe it was in April of
9 2021. Is that right?

10 A That's correct.

11 Q And at that time, you were not aware
12 that she had been terminated?

13 A I was not.

14 Q But you were aware that she had
15 engaged Stefanie Lambert as her attorney, correct?

16 A That's correct.

17 Q Did you find it odd that a county
18 election officer in a small town in Georgia who had
19 not been terminated had engaged Stefanie Lambert of
20 Detroit, Michigan to represent her?

21 A I did not find that odd. And in --
22 within context of the motivation of the engagement,

1 it was my understanding at that point that she was
2 seeking whistleblower protection due to some
3 irregularities that she saw in -- in Coffee County,
4 and that there were efforts to basically
5 discriminate against her at that time.

6 Q And -- and what was she blowing her
7 whistle at?

8 A It's my understanding --

9 MR. PARKER: By the way, again, if
10 this gets into your consulting expert work, you
11 shouldn't testify to it --

12 THE WITNESS: Okay.

13 MR. PARKER: -- if you were retained
14 by Stefanie Lambert as a lawyer, but if it's not
15 related to that, you can testify to it.

16 THE WITNESS: It was my later
17 understanding, i.e. June 2021, that Misty observed
18 some irregularities in the voting system, and based
19 on that, she was -- she was questioning the -- the
20 conduct of that election. And beyond that, I get
21 into the -- the expert work that I did for Stefanie
22 Lambert.

1 BY MR. BROWN:

2 Q Was part of your expert work related
3 to potential litigation that Misty Hampton would be
4 involved in?

5 A Potentially, yes.

6 Q And so is that the anticipated
7 litigation that your consulting or expert services
8 relates to?

9 A That would be --

10 MR. PARKER: Well --

11 THE WITNESS: Oh, sorry.

12 MR. PARKER: Objection as to form, in
13 terms of foundation.

14 If you know, you can testify.

15 THE WITNESS: That was certainly part
16 of it.

17 BY MR. BROWN:

18 Q And so your understanding was that
19 the lawyer that you were engaged by was Stefanie
20 Lambert and her client was Misty Hampton,
21 correct --

22 A Correct.

1 Q -- with respect to the engagement?

2 Okay. And was the -- was your
3 understanding that the copying of the data in
4 Coffee County, that was uploaded to the system from
5 which you downloaded, was related to potential
6 whistleblower claims?

7 A That is certainly how it was
8 represented to me, but I -- once again, I was not
9 there during the preservation of this data. I have
10 no knowledge of how that was preserved. I was, you
11 know, provided access to those artifacts.

12 Q When you spoke with Misty Hampton and
13 Ms. Lambert at dinner in Detroit, the data had
14 already been captured, right? And you knew that,
15 right?

16 A I did not know that at the time.

17 Q Did you ask?

18 A I did not.

19 Q Did it ever come up -- I mean, did
20 you -- you raised the question, you know, "Before I
21 can do any -- before I can provide you any expert
22 testimony, I've got to have something to analyze"?

1 Did that come up?

2 MR. PARKER: To the extent that this
3 discussion at this meeting was regarding your
4 consulting expert work, I'd instruct you not to
5 answer, but if it's outside of that, you certainly
6 can.

7 THE WITNESS: So the -- the meeting
8 was primarily a social meeting. We didn't discuss
9 Coffee County specific items at that dinner. There
10 was some -- some questions about, you know, my
11 expertise and my -- my background as part of this,
12 but we didn't discuss specifics to the engagement.
13 I didn't, at that point in time, know that I was
14 going to be asked to support that client.

15 BY MR. BROWN:

16 Q Well, but your engagement was
17 executed before the dinner with Misty Hampton,
18 correct?

19 A Correct.

20 Q And that engagement -- did that
21 engagement cover your work for Coffee County?

22 A It covered a number of engagements

1 with Stefanie Lambert in different jurisdictions.

2 Q And I believe the -- I'm not sure if
3 the -- I'm not trying to trick you on this. It's
4 just I don't want go through the documents
5 themselves, but it's your understanding that the
6 original engagement letter listed Coffee County as
7 one of the areas that you would be looking in to?

8 A No.

9 Q Did I --

10 A That was a supplement to it in -- I
11 believe they actually executed that in July of
12 2021.

13 Q And July, when it mentions Coffee
14 County -- and I believe indicates that it had been
15 a prior discussion though, correct?

16 A Correct. We had a discussion in the
17 middle of June 2021.

18 Q Okay. So when did you first learn
19 that the data had been captured in Coffee County?

20 A The middle of June, 2021.

21 Q So about the same time that you
22 actually got it, correct?

1 A Correct.

2 Q Okay. And how did you learn that it
3 had been captured?

4 A Through a -- an attorney -- through
5 discussions with Stefanie Lambert.

6 Q Okay. And I believe you testified
7 that you got the credentials from Mr. Penrose. Is
8 that right?

9 A That is correct.

10 Q And how did -- how were those
11 credentials transmitted to you?

12 A Those were transmitted to me in
13 Signal, and then I took a screenshot of those.

14 Q And did you retain that screenshot?

15 A I did.

16 Q And you gave that to your attorney?

17 A I believe that's part of the
18 production, yes.

19 Q Okay. And that screenshot would show
20 us basically who gave you the keys to Coffee
21 County, right?

22 MR. PARKER: Objection. That

1 mischaracterizes. That's one of the items on the
2 log, Bruce. So it describes what he can testify to
3 about it.

4 Beyond that, I'd instruct you not
5 to answer.

6 BY MR. BROWN:

7 Q But if we had that screenshot, we --
8 we would have very good evidence of how you got
9 access to the Coffee County data, who gave it to
10 you, and when they gave it to you, correct?

11 MR. PARKER: Same objection.

12 BY MR. BROWN:

13 Q Go ahead and answer.

14 MR. PARKER: No, I'm instructing him
15 not to answer.

16 MR. BROWN: Andrew, are you sure you
17 want to instruct him not to answer that one?

18 MR. PARKER: Yes. You specifically
19 asked what is on a document that we -- we're not
20 going to produce because of the work product
21 doctrine, because of the consulting expert rules,
22 and the nondisclosure agreement.

1 BY MR. BROWN:

2 Q And Mr. Penrose was a part of the --
3 the team representing Misty Hampton. Is that
4 correct?

5 A He was part of the -- yes, so the
6 Stefanie Lambert team.

7 Q Is he an expert or is he an attorney
8 or is he a helper? What is he?

9 A It's my understanding he was an
10 expert.

11 Q Okay. So is an expert someone -- a
12 designation that you give to someone to cloak him
13 with protection from discovery or was he really an
14 expert?

15 A My understanding is, is that he was
16 an expert.

17 Q And what's that understanding based
18 on?

19 A Off of the representations by
20 Stefanie Lambert.

21 Q Okay. Who else did Stefanie Lambert
22 tell you was an expert for Misty Hampton?

1 That's quite a team for Misty
2 Hampton. We've got Ben Cotton, we've got Jim
3 Penrose, we've got the legal team, Stefanie
4 Lambert. Who else is on that team?

5 A That's all that I recall.

6 Q So if there are other communications
7 about Coffee County in that cache of documents that
8 is with your lawyer, but not with us, they would
9 not be within that group, correct?

10 MR. PARKER: I'm sorry. Can you
11 repeat that question, Bruce?

12 MR. BROWN: Sure.

13 MR. PARKER: I didn't understand it.

14 BY MR. BROWN:

15 Q If there -- if there are
16 communications with people other than Stefanie
17 Lambert and Jim Penrose and Misty Hampton that are
18 in that large cache of documents that you collected
19 and gave to your attorney, but that we did not
20 receive, those documents would not be within the
21 scope of your expert testimony, correct?

22 A Well, I know that she had a private

1 investigator hired for all of her cases by the name
2 of Michael Lynch, and he would be part of that
3 team.

4 Q Who else? Who else?

5 A With respect to Coffee County, I
6 don't recall any other people that were involved in
7 Coffee County.

8 Q The engagement of -- of Misty
9 Hampton -- I'm sorry, the engagement by Misty
10 Hampton of Ms. Lambert related to potential
11 whistleblower protection. Is that matter still
12 ongoing?

13 A I believe it is.

14 Q Any litigation been filed?

15 A No. There is anticipated litigation
16 though.

17 Q And it would be Misty Hampton, what,
18 filing suit against the County for terminating her
19 because she was a whistleblower?

20 MR. PARKER: Only answer if -- if you
21 know and if it's outside the scope of what you know
22 from your consulting expert work.

1 THE WITNESS: I don't know what
2 the -- the attorney is planning to do in the form
3 of action. I know there's anticipated action, but
4 I don't have the details of that.

5 BY MR. BROWN:

6 Q Typically when -- I don't do
7 whistleblower work, but sometimes it's in -- that
8 the allegation is that an employee was terminated
9 in retaliation for some kind of whistleblowing.

10 Was that -- did -- did -- I'll just
11 ask you again. Wasn't it clear to you by the time
12 that you met, she had already been terminated?

13 A It was not.

14 Q Okay. And -- and are you still on --
15 are you still engaged by Lambert for this matter,
16 the whistleblower matter?

17 A I am.

18 Q Anything that you've seen in the
19 evidence or the files give you any pause in terms
20 of relying upon the representations of Ms. Lambert
21 about the authority that Misty Hampton had to give
22 you -- indirectly give you access to the Coffee

1 County data?

2 MR. PARKER: To the extent that that
3 relates to the work that you received or
4 information that you received related to your
5 consulting work, do not answer, but if it's outside
6 your consulting work, you may.

7 THE WITNESS: Nothing I have seen
8 outside of my consulting work has given me cause to
9 pause.

10 BY MR. BROWN:

11 Q Is this deposition within your
12 consulting work?

13 MR. PARKER: Objection as to form.
14 If you know, that calls for a legal
15 analysis.

16 THE WITNESS: Yeah. I don't -- I
17 don't know. I will leave that legal analysis to
18 Mr. Parker.

19 BY MR. BROWN:

20 Q Let me come at this again, and you've
21 got -- you've got counsel who's outstanding and
22 will advise you appropriately, but I caution that

1 the answer to my question may not be bad for you.
2 It might be good for you. And not answering may be
3 bad for you in light of the publicity and other
4 instances.

5 But to an untrained eye, or to a
6 trained eye also, the circumstances of you relying
7 upon Ms. Lambert's statement that Misty Hampton had
8 authority looks shallow, frankly. Is there
9 anything that you have not testified to that would
10 lend credence to the reasonability of your
11 conclusion that you had authority to look at this
12 data?

13 MR. PARKER: I'm going to object.
14 He's -- he's not a lawyer. We aren't answering
15 questions based on whether they're good or bad.
16 We're trying to follow the legal line of what the
17 work product doctrine requires or doesn't. And if
18 he were released from the work product doctrine
19 from those that hold it, then he may be able to
20 answer many more questions.

21 BY MR. BROWN:

22 Q Let me ask it this way. My question

1 at the beginning was very long. Is there anything
2 you want to add that would support the
3 reasonability of your reliance upon what you were
4 told by Ms. Lambert with respect to the authority
5 that Misty Hampton had about access to the
6 software?

7 A Well, I'll start this off with, I'm
8 not an attorney, but it was represented to me by an
9 officer of the court, which, in my opinion, lends
10 significant weight and credence to that opinion
11 that this was authorized for me to look at it and
12 to analyze it.

13 And part of that answer from Stefanie
14 Lambert, it was represented that she had performed
15 an analysis of Georgia law, and that this was in
16 accordance with the duties and responsibilities and
17 authorizations of an elected election official
18 within the -- within that county and that
19 jurisdiction.

20 That was further reinforced by the
21 engagement letter that was executed by, once again,
22 an officer of the court, that paragraph 10 in the

1 engagement letter, essentially, stated that the
2 evidence that was to be analyzed was legally
3 obtained and that they had the legal right to
4 authorize me to analyze it. So, you know, it's
5 a -- you know, that's -- that's the weight of
6 validation from my side.

7 Q When you -- you testified in Arizona
8 based upon your analysis of the Maricopa County
9 data, with respect to that testimony, what did you
10 do to validate that what you had really was from
11 Coffee County, if any?

12 MR. PARKER: Objection. As it
13 relates to work product or your consulting as an
14 expert engagement, you cannot answer, but if it is
15 outside of that, you may.

16 THE WITNESS: Without going into my
17 analysis, I was satisfied that that information was
18 from Coffee County.

19 BY MR. BROWN:

20 Q Did you obtain -- you testified that
21 you reviewed publicly available documentation
22 relating to the Dominion System as a part of your

1 work.

2 Do you recall that testimony?

3 A Yes.

4 Q Did you obtain any proprietary or
5 generally nonpublic information, either from
6 Dominion or otherwise, relating to your work?

7 A No.

8 Q Have you been contacted by Dominion
9 with respect to the work that you have done on
10 Dominion software?

11 A I have not.

12 Q Have you been -- I have to ask these
13 questions.

14 Have you been contacted by any
15 attorney for Dominion --

16 A No.

17 Q -- with respect to --

18 Have -- are you aware of any
19 suggestion by Dominion that anything that you have
20 done violates any law or any proprietary interest
21 of Dominion?

22 A No.

1 Q Are you -- don't tell me the
2 substance of it, but are you -- have you been
3 engaged by anyone to testify about the
4 defamatory -- the allegations, the statements,
5 about Dominion were defamatory?

6 A No.

7 Q Do you know why Mike Lindell visited
8 Coffee County in 2021?

9 A I do not.

10 Q Do you know why Doug Logan did?

11 A I do not.

12 Q Doug Logan -- I will represent to you
13 that Doug Logan has stated publicly that he
14 crisscrossed Georgia trying to obtain evidence from
15 election equipment. Do you know anything about
16 that?

17 A I don't.

18 Q Do you know how Ms. Lambert or
19 Mr. DePerno knew you?

20 A I don't know how they -- they knew
21 me. I received a call from Ms. Lambert. She said
22 that she had heard good things about some of my

1 work in civil cases, and she asked if I would be
2 available to do some expert witness -- or expert --
3 consulting expert work for her on some voting
4 systems. But how she came to hear about me, I -- I
5 never really got into, and I'm not sure how that
6 came to be.

7 Q Is the work that you're doing in
8 Arizona also for Ms. Lambert?

9 A It is not.

10 Q And how do you -- how do you
11 allocate, if you do, the costs of your work between
12 Ms. Lambert and whoever is paying you in Arizona?

13 A So it's separate engagements, and I
14 keep time records of that engagement that's not
15 related to Stefanie Lambert separate.

16 Q But you have -- your work in Arizona
17 is based upon -- in one matter is based upon the
18 artifacts you received with respect to another
19 matter, correct?

20 A In the declaration, I was permitted
21 to state that I had examined the Coffee County
22 data.

1 Q And have you been paid for the expert
2 work that you've done with respect to Coffee
3 County?

4 A It's an ongoing matter, but some of
5 it, yes.

6 Q How much?

7 A I don't have that figure in front of
8 me.

9 Q More than a hundred thousand?

10 A Less.

11 Q Less than 50?

12 A I really don't know.

13 Q Between 50 and a hundred?

14 A I really don't know.

15 Q Do you know -- do you recall the --
16 the nature of the harassment by the County that
17 Misty Hampton had indicated that she had been
18 subjected to?

19 A I don't recall that in detail, just
20 the generality that it was represented that she was
21 getting harassment by the County.

22 Q I want to ask some questions, and you

1 may have covered it before, but Penrose gave you
2 the credentials to download from a site, correct?

3 A That's correct.

4 Q And are you sure that was
5 SullivanStrickler's site or might it have been
6 another site?

7 A I'm sure it was -- well, let's put it
8 this way, in the web address it stated
9 "SullivanStrickler."

10 Q Okay. And did Penrose say where
11 SullivanStrickler got the data from?

12 A He did not.

13 Q Did you ask?

14 A I asked as to the forensics viability
15 of what I was looking at, and I was assured that it
16 was performed in a forensically sound manner.

17 Q What gave you assurance that it was
18 done in a forensically sound manner in particular?

19 MR. PARKER: You can testify if it's
20 outside of your consulting expert work -- or the
21 information that you received as a consulting
22 expert.

1 THE WITNESS: My validation of that
2 would have been within the consulting expert realm
3 of the analysis.

4 BY MR. BROWN:

5 Q Okay. Did you describe to either
6 Ms. Lambert or Mr. Penrose components of the system
7 that you needed to do your analysis?

8 MR. PARKER: I'm going to object.
9 That's part of your consulting work and part of the
10 work product doctrine. I would instruct you not to
11 answer that.

12 BY MR. BROWN:

13 Q Let me ask it a different way. I'm
14 trying to get a handle of the scope of your
15 engagement. And so what I'm trying to find out are
16 the boundaries of your engagement, because unless I
17 know the scope of your engagement, I can't -- I
18 don't know whether I'm asking you something that's
19 privileged or not.

20 And so with respect to the scope of
21 your engagement, how did you describe the
22 components that you needed to -- to review?

1 MR. PARKER: You don't want to get
2 into what you were given or what you did review or
3 the conclusions that you reached from what you
4 reviewed, frankly, what the assignment is. But if
5 you can answer it without going into that.

6 THE WITNESS: So I did not demand or
7 dictate what would be made available to me, I
8 accepted what was available and examined those
9 artifacts.

10 BY MR. BROWN:

11 Q Did you have sufficient artifacts to
12 make a comprehensive and useful analysis of the
13 Coffee County system?

14 A Yes.

15 Q Were there any components that --
16 that you did not have that would have assisted in
17 that analysis?

18 A Yes.

19 Q And what were those?

20 MR. PARKER: Don't answer that. That
21 does get into your expert work and mental
22 impressions.

1 BY MR. BROWN:

2 Q Actually, the question was designed
3 to focus upon things that were not a part of your
4 expert work. In other words, things that you were
5 not able to review. You with me?

6 A So the --

7 MR. PARKER: But, again, by -- by
8 saying what is not -- that you were not able to
9 review, gets into your expert opinion about what
10 you would need to make and draw the conclusions.
11 So just make sure that you don't trample that
12 privilege.

13 THE WITNESS: Yeah, the -- with all
14 respect, if I tell you what would have been needed,
15 that will also violate the privilege with what I --
16 you can infer from that what I actually examined.
17 So I have been instructed by the attorney, I -- I
18 can't answer that.

19 BY MR. BROWN:

20 Q Are you aware of any data or software
21 that SullivanStrickler collected that was not
22 provided to you to review?

1 MR. PARKER: Objection as to form.
2 Lack of foundation. He doesn't know who collected
3 what. But also to the extent that he does, I'd
4 just instruct you not to include anything related
5 to your consulting expert work and work product
6 doctrine.

7 THE WITNESS: Yeah, I -- I was not
8 there or had anything to do with the preservation
9 of these systems, so therefore, I can't tell you
10 what, if anything, was missing from the artifacts
11 that were provided to me.

12 Do you mind if we take a quick bio
13 break?

14 MR. BROWN: Absolutely. I'm sorry, I
15 should have offered that earlier. Thank you for
16 your time and attention. Let's take a ten-minute
17 break.

18 VIDEOGRAPHER: The time is
19 approximately 1:35 p.m. We are going on a -- we
20 are going off the video record.

21 (Recess from 1:35 p.m. to 2:17 p.m.)

22 VIDEOGRAPHER: The time is

1 approximately 2:17 p.m. We are back on the video
2 record. Go ahead.

3 BY MR. BROWN:

4 Q Mr. Cotton, we're back on the record.

5 I want to get back to the -- the --
6 what you know about Misty Hampton's situation.
7 The -- we know now that the data was captured on
8 January 7th by someone from SullivanStrickler.

9 And at that time, Misty wasn't being
10 harassed, was she, as far as you know?

11 A I don't know. You know, I want to
12 leave that as a legal definition to Stefanie
13 Lambert.

14 Q Was -- was she being harassed because
15 of the breach or was the breach in support of her
16 whistleblower claim?

17 MR. PARKER: Objection as to form.

18 You can answer if you know.

19 THE WITNESS: I -- I don't know.

20 BY MR. BROWN:

21 Q Was it your understanding that to
22 support a whistleblower claim, that Misty would

1 need a forensic copy of the election server and
2 data?

3 MR. PARKER: Objection as to form.

4 You can answer if you can do so
5 without getting into your consulting expert work.

6 THE WITNESS: So in April, when I met
7 her, I did not know about any of the preservation
8 or anything of that nature. I do recall speaking
9 with her and she asked me some questions about my
10 forensics background.

11 BY MR. BROWN:

12 Q And what is your understanding of the
13 connection between your expertise and her claim?

14 MR. PARKER: You mean his
15 understanding today?

16 MR. BROWN: Sure.

17 MR. PARKER: Okay. So you're not
18 talking about in April, just to be clear for the
19 record?

20 BY MR. BROWN:

21 Q Yeah, what's your understanding
22 today?

1 THE WITNESS: Is any of that covered
2 by attorney-client?

3 MR. PARKER: It could be
4 attorney-client. I don't know what the basis of
5 your information is. But you -- you shouldn't
6 divulge any communications with your attorney or
7 with any attorney that has retained you for
8 consulting expert work to the extent it relates to
9 that work.

10 THE WITNESS: My understanding of
11 that is that she observed irregularities in the
12 runoff election and that she had doubts about
13 unauthorized access to that system by Dominion
14 employees remotely during that runoff election.

15 BY MR. BROWN:

16 Q And what did she tell you about
17 unauthorized access by Dominion?

18 A I got this from Stefanie Lambert, not
19 Misty. It was represented that the election
20 systems were not functioning properly. The
21 Dominion support personnel were called in, they
22 couldn't fix it. And when Misty attempted to

1 escalate this and to notify the press that there
2 were problems with the election, the Dominion
3 employees went to the parking lot and came back in
4 10 or 15 minutes later and said, "Try it now" and
5 it worked. And at that point, it raised questions
6 in her mind as to how they could do this remotely
7 from the parking lot.

8 Q And you were engaged to figure that
9 out?

10 A That was part of my expert
11 consultation statement of work, if you will.

12 Q And what did you find?

13 MR. PARKER: Objection. That's work
14 product.

15 BY MR. BROWN:

16 Q What did you find?

17 MR. PARKER: I'm instructing you not
18 to answer.

19 Work product related to consulting
20 expert privilege and rules, and I'm instructing
21 him not to answer that.

22

1 BY MR. BROWN:

2 Q Okay. And so the sequence of this is
3 there's a situation in which Dominion techs did
4 something from the parking lot, then Misty/Lambert
5 have SullivanStrickler forensically copy the Coffee
6 County data and software, and then three months
7 later, you are engaged to review the data that they
8 had collected. Fair to say?

9 A I have no personal knowledge as to
10 who was involved in the preservation. I don't know
11 if Stefanie Lambert was involved or not. What I do
12 know is that at some point -- and I know this now,
13 not -- not back in the April or even before June --
14 the middle of June time frame, but at some point in
15 time, Misty Hampton had authorized the preservation
16 of those systems to retain the forensics artifacts.

17 Q So you described the -- what you had
18 access to was a preservation of the system,
19 correct?

20 A I had access to what the result --
21 MR. PARKER: Without getting into
22 what your -- you were given to review, other than

1 the use of the word "artifacts."

2 THE WITNESS: I had access to the
3 artifacts that were present when I logged in to the
4 SullivanStrickler secured web portal.

5 BY MR. BROWN:

6 Q The record will reflect that a number
7 of other people downloaded that software from the
8 SullivanStrickler website. Were any of those other
9 people also working on -- to your knowledge,
10 working with you on Misty Hampton's whistleblower
11 claim or might they have been downloading the data
12 for some other purpose?

13 MR. PARKER: If you know, you can
14 answer.

15 THE WITNESS: Well, I don't have any
16 knowledge as to everyone that downloaded that or
17 why they downloaded it, other than I had access to
18 it, and Jim Penrose is the one who gave me that
19 access.

20 BY MR. BROWN:

21 Q Were the credentials that Penrose
22 gave you his credentials so that his name would

1 appear if you downloaded it?

2 MR. PARKER: If you know, you can
3 answer that.

4 THE WITNESS: He gave me a set of his
5 credentials, yes.

6 BY MR. BROWN:

7 Q And so if you were looking on the
8 record on the share file, we would be looking for
9 "Penrose," not for "Cotton." Is that correct?

10 A I would assume that was correct. I
11 don't have direct knowledge of the logging of that
12 system, but from what I saw, I would assume that to
13 be the case. And I was later provided credentials
14 that reflected my e-mail account.

15 Q And who gave you those credentials?

16 A I believe those came from Jim Penrose
17 as well.

18 Q So Penrose gave you two sets of
19 credentials, one that would show as his name and
20 then later it would show as your name, correct?

21 A I believe so.

22 Q And the first one was June 11, 12,

1 correct?

2 A Correct.

3 Q And the second one was when?

4 A I don't recall. It was subsequent to
5 that.

6 Q A year later? A month later?

7 A I don't recall.

8 Q When was the last -- how many
9 different downloads did you make?

10 Like, is it one sitting that you did
11 all of it or did you sort of go back and forth, do
12 some, come back, do some, come back?

13 MR. PARKER: You can answer that if
14 it doesn't get into your consulting expert -- the
15 facts that you received, information that you
16 received, your conclusions that you made, or the
17 analysis that you did.

18 THE WITNESS: I accessed the site
19 several times, but, you know, downloading data from
20 the internet web servers can be kind of challenging
21 sometimes. So I know that there were several
22 sessions when I downloaded data.

1 BY MR. BROWN:

2 Q And it was probably up to a half a
3 terabyte of data, correct?

4 MR. PARKER: Objection. I'm not
5 going to let him answer that, getting into the
6 amount of data.

7 MR. BROWN: Okay. I'm not talking
8 about the content of the data, what it means. I'm
9 just asking the amount of data.

10 MR. PARKER: I don't understand.
11 It -- it's -- it's hard to lodge an objection on
12 that, but you would probably be the one to know if
13 by giving that information it reveals the -- the
14 work that you were provided, the information of
15 facts that you were provided, then you can't answer
16 it, but if it doesn't reveal that, then you can.

17 THE WITNESS: So the -- providing
18 that answer would certainly reveal the systems or
19 the artifacts that I had access to, so I will
20 respectfully decline to answer that on the advice
21 of the attorney.
22

1 BY MR. BROWN:

2 Q Did it strike you as odd that Misty
3 Hampton had the resources or someone had the
4 resources to pay SullivanStrickler to do this
5 preservation for her yet unfiled whistleblower
6 claim?

7 A I didn't find that odd, no.

8 Q SullivanStrickler would cost tens of
9 thousands of dollars, right?

10 I mean, you're familiar with their
11 work and you're familiar with forensics and how
12 expensive it is. That didn't strike you as odd at
13 all?

14 A No. Preservation functions like that
15 occur all the time. And it was my understanding
16 that Misty was the election official in a very
17 large Georgia county. I would assume they would
18 have 15 or \$20,000 to do this preservation.

19 Q You said it happens frequently. Any
20 other instance that you're aware of where an
21 election system was, quote, preserved like this?

22 A I didn't say election system. I said

1 that this preservation-type function occurs very
2 frequently in litigation. And occasionally, you
3 know, we are called in by private sector companies
4 to just preserve employee laptops and --

5 Q I understand that. I --

6 A -- things of that nature, so it's a
7 commonplace occurrence.

8 Q I understand that, and we've all done
9 that. What I'm asking about is a separate
10 question, period, paragraph.

11 Are you aware of any other instance
12 in which election systems have been, quote,
13 preserved, closed quote, like this?

14 A Not in Georgia.

15 Q Anywhere in the -- in the world?

16 MR. PARKER: You don't have to answer
17 that. It's beyond the scope.

18 BY MR. BROWN:

19 Q Okay. I just want to make sure I've
20 got clear answers on some of these. Have you ever
21 visited Georgia from the -- from now back to the
22 November 2020 election?

1 A No.

2 Q Did you do any work associated with
3 Ware County, Georgia?

4 A No.

5 Q Have you ever heard of any forensic
6 or, quote, preservation work being done in Ware
7 County?

8 A Not to my knowledge.

9 Q Okay. Do you know of anybody who
10 took private flights to Georgia in between
11 November 2020 and November 2021 for purpose of
12 obtaining or analyzing forensic images of Georgia
13 election data?

14 A No.

15 Q Do you know of a person named Peter
16 Chara?

17 A No, I do not.

18 Q Have you ever spoken with Harri
19 Hursti?

20 A Can you say that name again, please?

21 Q Harri Hursti, H-A-R-R-I, H-U-R-S-T-I?

22 A I don't believe I have.

1 Q When was the first time that you did
2 any work for anybody relating to Georgia elections?

3 A That would have been the middle of
4 June 2021.

5 Q Does that include any
6 communication -- I'm talking about -- well, let me
7 back up.

8 When's the time that you talked to
9 anybody about doing work for Georgia relating to
10 elections?

11 A It would have been June 20 --
12 June 2021, middle of the month.

13 Q Okay. Do you know of a gentleman
14 named Jeffrey Lindberg?

15 A I do.

16 Q And who is he?

17 A He was a person that was engaged by
18 Stefanie Lambert to look at specific Dominion
19 devices. To my knowledge, he -- he didn't have
20 anything to do with Georgia.

21 Q And I believe that -- that you
22 testified that you do know Russ Ramsland or don't?

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1 I couldn't recall.

2 A I don't -- the name is familiar, but
3 I -- I wouldn't say that I know him.

4 Q Are you familiar with any of the work
5 that he's done with respect to Coffee County?

6 A No, not with Coffee County.

7 Q With any other county in Georgia?

8 A No.

9 Q Do you know of anyone else other than
10 yourself who received a copy of the forensic data
11 from Coffee County?

12 A I do not.

13 Q Do you know Lin Wood?

14 A Only from the name appearing in
15 newspapers and media.

16 Q Have you had any business with him at
17 all?

18 A No.

19 Q Any communications with him?

20 A No.

21 Q What about with John Eastman?

22 A I don't know that.

1 Q What about Mr. Phil Waldron, do you
2 know Mr. Waldron? Or I think it's Colonel Waldron.

3 A Yes, I know Mr. Waldron.

4 Q And how do you know him?

5 A I have had some discussions with him
6 on other matters not pertaining to Georgia.

7 Q What about Mike Flynn?

8 A I know him from his reputation and
9 from his time spent in the service.

10 Q Have you ever talked with him or had
11 any communications with him relating to Georgia?

12 A No.

13 Q How about Roger Stone, have you had
14 any communications with him about Georgia?

15 A No.

16 Q Do you know Dave Hancock?

17 A I do not.

18 Q Have you had any communications with
19 Patrick Byrne or anyone working for him?

20 A Not as it relates to Georgia.

21 Q How have -- what have you talked with
22 Mr. Byrne about?

1 A Mr. Byrne came and visited during the
2 Arizona audit.

3 Q Any other dealings with Mr. Byrne?

4 A No.

5 Q Are you familiar with the executive
6 orders that were presented to then-President Trump,
7 one of which mentioned Coffee County?

8 Are you familiar with those?

9 A I am not.

10 Q Do you know Mark Cook?

11 A No.

12 Q Are you familiar with someone named
13 Jim Marchant or Merchant?

14 A No.

15 Q How about Bob Cheeley?

16 A No, he doesn't ring a bell.

17 Q I believe you were asked if you knew
18 or had ever spoken with Scott Hall?

19 A No.

20 Q What about Rudy Giuliani or anybody
21 working with him?

22 A Not as it pertains to election

1 matters or anything in Georgia.

2 Q Do you know of a person named Edward
3 Solomon?

4 A No.

5 Q In your --

6 MR. BROWN: And I'm -- I'm going to
7 ask this, Andrew, for the record. And you can
8 object.

9 BY MR. BROWN:

10 Q In the course of your work, did you
11 detect any evidence that there had been prior
12 captures or preservations of the forensic images
13 that you reviewed for Coffee County?

14 MR. PARKER: Object. Work product
15 and consulting expert grounds and rules related to
16 both, as well as the nondisclosure agreement that
17 you executed.

18 I would instruct you not to answer.

19 BY MR. BROWN:

20 Q And Garland Favorito is not a lawyer,
21 right?

22 A Initially, I -- I believed that he

1 was, but I have come to the knowledge that he is
2 not.

3 Q And what discussions have you had
4 with him about the work that you have done in
5 Georgia?

6 MR. PARKER: You can answer to the
7 extent that it does not relate to a discussion
8 coming from a lawyer, regarding your consulting
9 expert work for a lawyer.

10 THE WITNESS: Yeah, in all
11 conversations that I had with Garland Favorito,
12 Todd Harding was present in those discussions. And
13 as part of those discussions, we would review those
14 areas that I was hired to review.

15 BY MR. BROWN:

16 Q Do you know how to create and export
17 cast vote records in JSON format in the Dominion
18 EMS system?

19 A If you are talking about the standard
20 reporting function of the Dominion software, that
21 was part of my discovery and analysis under my
22 engagement, but yes --

1 MR. PARKER: Yeah, you can't answer
2 related to your engagement, but he's just asking
3 whether you know how to do something.

4 THE WITNESS: Yes, I do.

5 BY MR. BROWN:

6 Q And do you know that that was done
7 for Coffee County in January 2021?

8 MR. PARKER: Objection. To the
9 extent that it relates to your expert consulting
10 work or the work product related to that, I will
11 object based on those doctrines and the rules
12 identified in the log and the nondisclosure
13 agreement.

14 If you can answer without going
15 into that, you can do so.

16 THE WITNESS: I can't answer that
17 question because the answer would be based on my
18 analysis of artifacts under my engagement.

19 BY MR. BROWN:

20 Q Just for the record, did you detect
21 from your review that someone had generated cast
22 vote records in JSON format from the Dominion EMS

1 system that was preserved for your review?

2 MR. PARKER: Same objection. I'd
3 instruct you not to answer unless you can do so
4 without getting into the information related to
5 your consulting expert work, work product doctrine.

6 THE WITNESS: I cannot answer that
7 question without relying upon opinions and work
8 product under my engagement.

9 BY MR. BROWN:

10 Q Do you know who provided the CBR to
11 somebody or something named Ardros?

12 A I do not.

13 Q Do you know who provided the CBR to
14 someone named Jeffrey O'Donnell?

15 A I not.

16 Q Do you know who Jeffrey O'Donnell is?

17 A I have heard of him.

18 Q And who is he?

19 A He is -- he's a guy involved in some
20 elections. I don't know much about him.

21 Q How do you know him?

22 What more can you tell us about him?

1 A Nothing related to Georgia.

2 Q What about -- what is -- what is
3 Ardros? Do you know?

4 A Pardon?

5 Q A-R-D-R-O-S. I may be reading my
6 notes badly, but have you heard of that name?

7 A I have not.

8 Q Okay. Do you know Tony Rowell?

9 A I do not.

10 Q And can you tell me anything more
11 about your understanding about what Misty was being
12 harassed about?

13 A Other than what I've already
14 testified to, I can't. I -- I have very limited
15 knowledge about that.

16 Q Was the gist of it that she was being
17 harassed because of her criticism of the system?
18 Was that the gist of it?

19 MR. PARKER: You can answer if you
20 have anything to add.

21 THE WITNESS: Just to reiterate, my
22 understanding was, is that she was being harassed

1 based on her work as an election official and her
2 calling out the fact that there may have been
3 something irregular with those elections,
4 specifically with the recount in Coffee County.

5 MR. BROWN: Let me take a two-minute
6 break to see if I have any more questions. I will
7 be right back.

8 THE WITNESS: Okay.

9 VIDEOGRAPHER: Are we going off the
10 record, Bruce?

11 MR. BROWN: Yes, we're going off the
12 record for just a few minutes.

13 VIDEOGRAPHER: All right. The time
14 is approximately 2:44 p.m. We are going off the
15 video record.

16 (Recess from 2:44 p.m. to 2:47 p.m.)

17 VIDEOGRAPHER: The time is
18 approximately 2:47 p.m. We are back on the video
19 record. Go ahead.

20 MR. BROWN: I have no further
21 questions. Thank you for your time, Mr. Cotton.

22 Thank you, Andrew.

1 MR. PARKER: You're welcome, Bruce.

2 Are we completed then on the

3 subpoenas?

4 EXAMINATION BY COUNSEL FOR STATE DEFENDANTS

5 BY MR. MILLER:

6 Q Mr. Cotton, this is Carey Miller. I
7 represent the State Defendants. I'm going to ask
8 you a few questions while we're here today.

9 A Okay.

10 Q If you need a break before we get
11 started, that's fine, Mr. Cotton, or we can just
12 roll right into it.

13 A We can roll right into it. Just for
14 everybody's awareness, I had a late checkout at my
15 hotel. So if we're going to go past 3:30, then I
16 will need to ask for a break so I can run and get
17 my luggage out of there and be right back. It'll
18 take a few minutes.

19 Q Okay. Well, Mr. Cotton, it is every
20 intention of mine to be done by -- by 3:30 here, so
21 I'll save you that.

22 A All right. I appreciate that. Thank

1 you.

2 Q So, Mr. Cotton, as I just mentioned
3 earlier, I represent the State Defendants in the
4 Curling v. Raffensperger case. And those State
5 Defendants, for your awareness, are Secretary of
6 State Brad Raffensperger and the State Election
7 Board members within the State of Georgia.

8 I'm going to ask you a few questions,
9 some of which have already been covered today.
10 And, like I said, I'll make every attempt to be
11 brief.

12 Mr. Cotton, I'd like to start off by
13 asking you: What is your awareness of this
14 litigation for which you're testifying today, if
15 any at all?

16 A Until I got the subpoena, I really
17 wasn't aware of this litigation at all.

18 Q So just you didn't know it existed?

19 A I didn't know it existed.

20 Q But now with your testimony in the
21 Lake v. Hobbs case, you -- you reviewed
22 declarations from this litigation. Isn't that

1 right?

2 A That is true, but I had received the
3 subpoena prior to this as well.

4 Q Prior to?

5 A Prior to the testimony.

6 Q Okay. And was that subpoena prior to
7 your drafting of that declaration?

8 A Yes.

9 Q So if I understand your testimony
10 correctly then, when you were preparing to testify
11 in the Lake v. Hobbs case, you would not have even
12 referenced those declarations had you not gotten
13 the subpoena and made you aware of this case?

14 A Well, I was aware of some statements
15 by Halderman, and I was aware of the fact that
16 there was a sealed report from Halderman prior to
17 that case, but I was not aware really of the -- the
18 case in question here.

19 Q Okay. And I suspect the answer to
20 this is no, but do you have any familiarity with
21 the Plaintiffs themselves in this case?

22 A I do not.

1 Q And I don't expect that you'd have
2 much familiarity with those individuals. Do you
3 have any familiarity with an organization called
4 the Coalition for Good Governance?

5 A Not until I started researching this
6 case and then I became aware of them.

7 Q Okay. And what did you become aware
8 of regarding that organization?

9 A That they were a -- they were a
10 Plaintiff in this case.

11 Q And that's the only aspect you became
12 aware of?

13 A Yes.

14 Q Are you familiar with a group called
15 Verified Voting?

16 A I am not.

17 Q Mr. Cotton, I want to ask you a
18 couple of questions about that that you've largely
19 discussed here. I just want to clarify some of
20 your testimony.

21 Do you recall testifying that you
22 first accessed data regarding Coffee County in or

1 about June of 2021?

2 A That is correct.

3 Q As I understood your testimony, the
4 reason you came to interact with that data was by
5 way of your engagement with Ms. Lambert. Is that
6 accurate?

7 A Yes, it is.

8 Q And the litigation related to
9 Ms. Lambert, is there active litigation for which
10 you were working for her or was it active at that
11 time?

12 A It is -- it is and still -- it was,
13 and still is, anticipated litigation.

14 Q Anticipated litigation. Okay.

15 And just so I'm clear that it's --
16 it's the same thing, and it may not be, but this is
17 with respect to the anticipated whistleblower
18 litigation that you were discussing earlier or
19 something different?

20 MR. PARKER: I'm going to object as
21 to foundation. He's not a lawyer.

22 But you can answer if you know what

1 it's with respect to in that regard.

2 THE WITNESS: I don't know all the
3 details. I -- I know that based on what I was told
4 initially, that it was a whistleblower-type case.

5 BY MR. MILLER:

6 Q Okay. You were asked a couple of
7 questions by, I think, both Plaintiffs' counsel
8 groups regarding data you reviewed from Fulton
9 County, Georgia.

10 Do you recall that?

11 A Yes.

12 Q Okay. And I believe you said
13 something along the lines that what you reviewed
14 were artifacts obtained through FOIA requests and
15 subpoenas.

16 Do you recall testifying to that?

17 A Yes.

18 Q Okay. So with respect to those
19 subpoenas, let me -- let me ask you -- strike that.

20 Let me ask it this way: What gave
21 you the impression that subpoenas were issued to
22 obtain such information?

1 MR. PARKER: You can answer that to
2 the extent that it doesn't get into your consulting
3 expert work.

4 THE WITNESS: I can't answer that
5 without going into details about the work that I
6 performed for them.

7 BY MR. MILLER:

8 Q Okay. Is it your understanding that
9 those subpoenas were issued relative to active
10 litigation?

11 A Yes.

12 Q Do you have any knowledge of the
13 court from which those subpoenas were issued?

14 A I don't have knowledge of which court
15 actually issued those subpoenas. I -- well, I just
16 don't have direct knowledge of which court did
17 that.

18 Q Okay. And that's fair.
19 Do you have direct knowledge
20 regarding litigation to which the subpoenas
21 pertained?

22 A There were several ongoing litigation

1 efforts by VoterGA at that time. One of them was
2 specific to the voting systems in Fulton County,
3 Georgia and the other was pertaining to some
4 aspects of Gwinnett County.

5 Q Okay. And I believe you had
6 testified that the items produced were artifacts
7 and not items like an image of an EMS server
8 itself, right?

9 MR. PARKER: Objection.

10 You can only testify to artifacts
11 which have already been identified and testified
12 to. You can't go on with additional descriptions
13 of what you received to analyze because of the
14 consulting expert nondisclosure rules, as well as
15 the work product doctrine.

16 MR. MILLER: Well, I -- Mr. Parker,
17 just to be clear, if these were issued by a
18 subpoena, then that's -- there's no protection as
19 to the information that was obtained therefrom.
20 The opposing party had to produce them. Same thing
21 with a FOIA request.

22 MR. PARKER: Well, that's not

1 actually true. The work product doctrine covers
2 for -- and as it relates to non-testifying experts,
3 covers the information received and utilized to
4 draw conclusions or analyze that the expert
5 obtains, whether it be public information or not
6 public information.

7 If you were to give someone a
8 series of research journals, a non-consulting
9 expert, in order to provide an analysis of those
10 research journals and consult with you about
11 that, even though they're public information,
12 they would not have to testify about what they
13 reviewed.

14 BY MR. MILLER:

15 Q Mr. Cotton, did you review ballot
16 images from Fulton County?

17 MR. PARKER: Same objection.

18 Don't answer unless you can do so
19 without getting into the information that you
20 reviewed beyond just the general term
21 "artifacts."
22

1 BY MR. MILLER:

2 Q I'm sorry, I couldn't tell if you
3 were saying something there, Mr. Cotton, I saw you
4 move, but --

5 A I am following the advice of the
6 attorney here.

7 Q Okay. Mr. Cotton, do you have any
8 reason to believe that what you reviewed from
9 Fulton County was not publicly available documents,
10 or artifacts as you phrased it?

11 A Can you define "publicly available"?

12 Q In other words, subject to a FOIA
13 request, or in Georgia, as it's referred to under
14 the law, an Open Records Act request, or otherwise
15 just publicly posted by either the Secretary of
16 State or a local election official.

17 A I have no impression that these were
18 not produced by FOIA or subpoena.

19 Q Okay. And am I correct you testified
20 earlier that you personally have never had access
21 to the Fulton County Election System yourself?

22 A That's correct.

1 Q And, likewise, with respect to Coffee
2 County, you didn't have personal interaction with
3 the hardware itself, correct?

4 A That's correct.

5 Q Okay. Mr. Cotton, is it your
6 understanding -- strike that.

7 Mr. Cotton, do you have any reason to
8 believe that the artifacts you reviewed were the
9 results of anyone other than authorized election
10 officials gathering those artifacts and producing
11 them pursuant to a subpoena or a FOIA request?

12 MR. PARKER: You're talking about
13 Fulton County now, Carey?

14 MR. MILLER: Yes. I'm sorry, I'm
15 talking about Fulton County.

16 THE WITNESS: Can you repeat the
17 question?

18 BY MR. MILLER:

19 Q Do you have any reason to believe
20 that the artifacts you reviewed relative to Fulton
21 County were the results of someone other than an
22 authorized election official gathering those

1 artifacts and producing them pursuant to a FOIA
2 request or a subpoena?

3 A No.

4 Q Mr. Cotton, I want to ask you a
5 little bit about the Lake v. Hobbs case. Is it --
6 am I correct in my understanding that you're
7 engaged as an expert on behalf of Ms. Lake, the
8 plaintiff in that litigation?

9 A I'm engaged by the law firm that
10 represents her, yes.

11 Q Okay. Fair enough.

12 With respect to that litigation, what
13 is your understanding of the relief those
14 plaintiffs are seeking?

15 A It is my belief they are seeking --

16 MR. PARKER: Let me just lodge an
17 objection regarding foundation.

18 THE WITNESS: Okay.

19 MR. PARKER: You can testify about
20 what you know as a nonlawyer.

21 BY MR. MILLER:

22 Q That's fair. And I'm only asking

1 based off of your understanding.

2 A Yeah. My understanding is they're
3 simply seeking that if we are going to use digital
4 voting systems, that those voting systems be
5 secure. And if they can't be secure, then we
6 should not use them until we can provide the proper
7 cybersecurity basis to ensure the protection of the
8 voting systems.

9 Q And am I correct in my understanding
10 that the plaintiffs in that case are seeking to use
11 hand-marked paper ballots that are hand counted?

12 MR. PARKER: Same objection.

13 Go ahead if you know.

14 THE WITNESS: My understanding is, is
15 that in Arizona they use hand-marked ballots. And
16 what the plaintiffs are objecting to is the use of
17 digital systems if they're not secured.

18 BY MR. MILLER:

19 Q And so those digital systems that
20 you're referring to, you're talking about the
21 scanners or tabulators and the EMS server, those
22 kind of aspects, right?

1 A That's correct.

2 Q Okay. Is it your position that the
3 election equipment in Arizona can be sufficiently
4 secured to use those electronic aspects?

5 MR. PARKER: Objection as to
6 foundation. You can -- you're just asking his
7 opinion about that?

8 MR. MILLER: And I can help clarify.
9 BY MR. MILLER:

10 Q Mr. Cotton, I'm trying to get to your
11 opinion that you've rendered relative to that case.
12 Have you -- have you taken a position that those
13 electronic aspects can be secured?

14 A Well, I haven't taken a position in
15 that case to that -- to that effect. As a general
16 belief, I believe --

17 MR. PARKER: You don't have to
18 testify about --

19 THE WITNESS: Okay.

20 MR. PARKER: -- your general belief.

21 THE WITNESS: Go ahead.

22 MR. MILLER: I'm sorry, I couldn't

1 hear that instruction.

2 MR. PARKER: The objection was that
3 he doesn't need to testify about his general belief
4 as it relates to that. First, I don't think it was
5 asked, maybe you want to ask it. Secondly, I just
6 need you to explain how it's within the parameters
7 of the subpoena at issue here.

8 MR. MILLER: Well, to be truthful
9 with you, Mr. Parker, I'm not aware of what the
10 subpoena at issue is. We participated in no
11 negotiation concerning this, and we're not under
12 any obligation to notice an act of deposition or
13 define scope relative to that.

14 MR. BROWN: Well, you also don't have
15 the witness under --

16 MR. MILLER: Bruce, I'm really not
17 trying to start an argument with Plaintiffs'
18 counsel right now.

19 MR. BROWN: Okay. But I mean --

20 MR. PARKER: Well, I was just going
21 to say, Carey, you're saying you didn't get a copy
22 of the subpoena?

1 MR. MILLER: Based on my
2 understanding of this previous testimony, that
3 there was a revised subpoena issued sometime after
4 August the 9th, is what I understand.

5 MR. PARKER: Yeah, there was a letter
6 in which we narrowed the subpoena so that, you
7 know, we could all agree on what we're coming in
8 here to talk about. And it's about Georgia --

9 MR. MILLER: Yeah.

10 MR. PARKER: -- which probably is the
11 only thing relevant to your lawsuit. But, you
12 know, I've -- I've let some questions go as it
13 relates to Arizona to the -- because it's
14 related -- it could be related to Georgia. But I
15 don't see how the line of questioning that you're
16 now engaging in is related to Georgia. There may
17 be other Arizona questions that are, but that's my
18 only objection here.

19 MR. MILLER: Yeah. And, Andrew, I
20 get it. I guess what I'm saying is that we were
21 not a party to any sort of agreement to that
22 effect.

1 MR. PARKER: Well --

2 MR. MILLER: Yeah, I --

3 MR. PARKER: -- I mean, I don't know
4 that -- I think you would agree that doesn't give
5 you carte blanche to open up to anything in the
6 world.

7 MR. MILLER: Clearly, you're
8 obligated to appear pursuant to the subpoena if
9 there were defects in that regard, but we're
10 already here.

11 BY MR. MILLER:

12 Q Mr. Cotton, let me ask you this way:
13 Have you taken a position relative to the Arizona
14 litigation that those electronic systems can be
15 secured?

16 A I am not taking a position with
17 respect to the litigation on potential cures or
18 possibilities of protecting those systems. That
19 has not come up as part of the litigation at this
20 point.

21 Q Okay. Fair enough.

22 Now, you testified earlier that you

1 lacked some familiarity as to the Curling
2 litigation that we're here for today in Georgia.

3 Would it surprise you to know that
4 the Plaintiffs in this case are pursuing the use of
5 hand-marked paper ballots on the theory that the
6 BMD machines cannot be sufficiently secured?

7 A Based on my review of the litigation,
8 that does not surprise me at all, but I only
9 reviewed that litigation after I received the
10 subpoena.

11 Q Okay. And relative again to your --
12 or strike that.

13 You discussed earlier an exhibit, and
14 I will point you to the number. I apologize,
15 I'm -- it was a Plaintiffs' exhibit here.
16 Plaintiffs' Exhibit 7. Do you have that in front
17 of you or can you access the Exhibit Share?

18 A Yeah, just one minute.

19 THE WITNESS: 7. That's 4.

20 MR. PARKER: This is -- oh.

21 THE WITNESS: I have it in front of
22 me.

1 BY MR. MILLER:

2 Q Okay. And do you recall looking at
3 this document?

4 A I do.

5 Q And can you -- rather than me trying
6 to reinterpret your testimony, can you -- can you
7 describe to me what this document is, to your
8 understanding?

9 A I have never seen this --

10 MR. PARKER: Objection. Lack of
11 foundation. He's testified that he's never seen it
12 before.

13 BY MR. MILLER:

14 Q That's fine. And that's -- and
15 that's what I was trying to avoid, was putting
16 words into your mouth, Mr. Cotton.

17 A Yeah.

18 Q You have not seen this document
19 before today. Is that right?

20 A That's correct.

21 Q Okay. With respect to the election
22 system in Georgia, do you have an understanding as

1 to the component pieces that are pertinent to that
2 election system?

3 A I do.

4 Q And what -- what would those
5 component pieces be?

6 MR. PARKER: You can answer to the
7 extent that you can do so without testifying
8 related to your consulting expert work.

9 THE WITNESS: So the knowledge that I
10 have with the Dominion System arises from the
11 consulting work that I have performed on this.

12 MR. PARKER: So it's related to
13 information that you received?

14 THE WITNESS: Correct.

15 MR. PARKER: All right.

16 BY MR. MILLER:

17 Q Mr. Cotton, I think you also
18 testified in Arizona about your review of this
19 work.

20 A I did to the effect that I had
21 reviewed the systems to the point where I could
22 render an opinion on the cybersecurity matters.

1 Q And all my question is asking you is
2 to identify the component hardware pieces used in
3 the Georgia election system on election-day
4 operations. Are you willing to answer that
5 question?

6 MR. PARKER: I think that goes beyond
7 his testimony in Arizona -- well, I know it does,
8 and because of that, I instruct him not to answer.
9 Aside from the fact that you can get that
10 information much easier than through this witness.
11 And I'm sure you probably already know the
12 information.

13 BY MR. MILLER:

14 Q Mr. Cotton, I will represent to you
15 that in Georgia, a few key pieces of election
16 equipment are utilized on election-day operations.
17 And those would include ballot scanners,
18 ballot-marking devices, poll pads for voter
19 check-in, and an EMS server for compiling and
20 tabulating the results.

21 Do you have any reason to disagree
22 with me as to those component pieces?

1 A No.

2 Q So back to Exhibit 7. While I
3 understand you have not seen this document before,
4 this is reflective of the items that you testified
5 earlier you did review regarding Coffee County,
6 correct?

7 A I don't believe that I testified that
8 I actually reviewed these. I believe that was an
9 objection of work product.

10 Q I think we went through earlier, and
11 I don't want to take your time thumbing through
12 exhibits, but your download of the information from
13 the SullivanStrickler website, right?

14 Do you recall that?

15 A I do.

16 Q So what did you download from the
17 SullivanStrickler website?

18 MR. PARKER: I'll object to the
19 extent that it goes into anything beyond of what
20 was in the log. This was produced here using the
21 word "artifacts."

22 Any further description, I would

1 instruct you not to answer.

2 BY MR. MILLER:

3 Q Mr. Cotton, did you review artifacts
4 or forensic images of poll pads in Georgia?

5 MR. PARKER: Same objection.

6 I'd instruct you not to answer.

7 BY MR. MILLER:

8 Q Mr. Cotton, did you review artifacts
9 or forensic images of thumb drives from Coffee
10 County, Georgia?

11 MR. PARKER: Same objection.

12 And I would instruct you not to
13 answer.

14 BY MR. MILLER:

15 Q Did you review forensic images of
16 compact flash drives and artifacts obtained from
17 Coffee County, Georgia?

18 MR. PARKER: Same objection.

19 I'll instruct you not to answer.

20 BY MR. MILLER:

21 Q Mr. Cotton, did you review images or
22 artifacts from the EMS server in Coffee County,

1 Georgia?

2 MR. PARKER: Same objection.

3 I'll instruct you not to answer.

4 BY MR. MILLER:

5 Q And, finally, did you review images
6 or artifacts from ballot-marking devices obtained
7 from Coffee County, Georgia?

8 MR. PARKER: Same objection.

9 I will instruct you not to answer.

10 BY MR. MILLER:

11 Q So, Mr. Cotton, if you'll look at
12 Exhibit 7 with me.

13 A Yes.

14 Q And I'm looking at the first category
15 of what appears to be sort of a master folder there
16 at the top of the first page. Do you see that?

17 A I do.

18 Q Okay. And do you see here it says
19 "Compact flash"? Do you see that?

20 A I do.

21 Q And then the next one is
22 "Dominion-supplied laptop." Do you see that?

1 A I do.

2 Q Followed by "EMS server"?

3 A I do.

4 Q "Miscellaneous thumbs," I -- I take
5 that to mean from one of the later pages that these
6 are thumb drives. Do you -- do you agree with that
7 assessment?

8 A It --

9 MR. PARKER: Only testify if you
10 know.

11 THE WITNESS: I don't know for sure
12 what that means. It says, "Miscellaneous," or
13 "MISC/thumbs."

14 BY MR. MILLER:

15 Q And do you see there it says "Polling
16 pads?" Do you see that?

17 A I do.

18 Q Are you aware of what a polling pad
19 is?

20 A Yes.

21 Q And what is that?

22 A A polling pad in the Dominion system

1 from their public Open Source documentation is a --
2 typically an Apple iOS device that allows the poll
3 workers to validate or verify voters in the polling
4 places.

5 Q And it's your understanding that
6 those are Dominion devices?

7 A I am unclear as to whether those are
8 Dominion devices or those devices are supplied by
9 the election jurisdiction.

10 Q Got it.

11 And with respect to the -- you talked
12 before about voters coming to vote.

13 I take that the main -- your
14 understanding is these are for voter check-in
15 purposes, right?

16 MR. PARKER: Are you referring,
17 Carey, to Georgia specifically?

18 MR. MILLER: Yes, I am.

19 MR. PARKER: All right. To the
20 extent that you have to answer by considering or
21 talking about your consulting expert work, I would
22 instruct you not to answer. If you can do as it

1 relates to Georgia, without referring to your
2 consulting expert work, then you may answer.

3 THE WITNESS: Can you please repeat
4 the question?

5 BY MR. PARKER:

6 Q Sure.

7 And to clarify, I'm talking about
8 what you just referred to as reviewing Open Source
9 public documentation related to poll pads.

10 A Okay.

11 Q Is it your understanding based on
12 that documentation those are used for voter
13 check-in processes?

14 A Yes.

15 Q Okay. And so going back to my
16 earlier question about the components of the
17 election system in Georgia. Based on your review
18 of the Dominion Open Source documentation you just
19 referenced, are you now willing to identify for me
20 those pieces of those components of the Georgia
21 election system?

22 MR. PARKER: I am instructing you not

1 to answer to the extent that it relates to Georgia
2 and your consulting expert work in Georgia.

3 THE WITNESS: Yeah, I would -- I
4 would have to rely on what the Dominion manuals
5 state as to the actual systems involved in Georgia
6 and Coffee County. That would be -- that would
7 require me to reflect back on my analysis as a
8 retained expert in this matter. But if the -- from
9 the Open Source perspective --

10 MR. PARKER: If it relates at all to
11 your work in Georgia, whether it's public, private,
12 confidential, sensitive or not --

13 THE WITNESS: Okay.

14 MR. PARKER: -- it's protected.

15 THE WITNESS: I don't have specific
16 knowledge outside of my expert opinions and work
17 that I performed on this engagement as to the
18 composition of the devices inside of Georgia.

19 BY MR. MILLER:

20 Q Okay. Mr. Cotton, am I correct that
21 prior to the 2020 election, you had never
22 forensically reviewed an election system?

1 A That is correct.

2 Q As I understand it, you've now done
3 it at least three times since then, right?

4 A Yes.

5 Q What was the impetus behind that
6 shift in focus of your work?

7 A Well, the initial impetus was
8 somebody asked me. Previous to this, I had done
9 extensive cybersecurity work and forensics work and
10 expert witness testimony in other matters. It
11 simply had not been related to election systems.

12 From a -- when someone asked me to
13 take a look at this, I knew that I could be
14 objective. I knew I could be fair. I was not
15 influenced by political motivations, and I could
16 give an honest result out to the people who asked
17 me to analyze the systems.

18 Q Okay. In your analyzing of those
19 systems, did you discover any algorithms or
20 otherwise infectious malware that would switch
21 votes?

22 MR. PARKER: You're talking about

1 related to his work in Georgia?

2 BY MR. MILLER:

3 Q I am talking about related to any of
4 the selection work that you just testified about,
5 Mr. Cotton.

6 MR. PARKER: Well, to the extent that
7 it's outside of Georgia, it goes outside the scope
8 of the subpoena. In the event that it's within
9 Georgia, it would be covered by work product and
10 the consulting expert work to ask what he found.
11 So I'll instruct him not to answer that question.

12 MR. MILLER: I disagree with you
13 relative to scope of any subpoena. To the
14 extent --

15 MR. PARKER: Why would you say that?

16 MR. MILLER: -- that you have
17 work-product protection assertion, I will accept
18 that as an instruction. Is that your instruction
19 relative to Georgia?

20 MR. PARKER: Yes.

21 MR. MILLER: Okay.

22

1 BY MR. MILLER:

2 Q So, Mr. Cotton, setting aside any of
3 your work product relative to Georgia, have you
4 identified any algorithms which weight or switch or
5 alter votes in any election system you have
6 reviewed?

7 MR. PARKER: And just tell me, Carey,
8 where in the subpoena is that.

9 MR. MILLER: I don't -- I don't have
10 the subpoena. It was never given to me. I have
11 the initial subpoena. I have no subsequent
12 correspondence. I have no subsequent
13 communication. We have not waived our right to
14 depose this witness, to cross-examine this witness
15 relative to the scope that's provided under
16 Rules 30 and 45, which compels his attendance.

17 MR. PARKER: No, you're right. It's
18 my understanding you haven't waived your right, but
19 you have not subpoenaed this witness, which you
20 could do. You do have a right to. And in doing
21 so, you would identify the topics in which you wish
22 to ask questions of this third-party witness.

1 By being here today, having a
2 subpoena that caused Mr. Cotton to be here today,
3 which identifies those topics, you know, by you
4 being here doesn't mean that it's opened up now
5 to anything in the universe to ask him about.

6 It's still -- we're here today to
7 answer questions based on the subpoena. And if
8 you wanted to subpoena him with broader topics,
9 we would have dealt with that as well.

10 MR. MILLER: I guess my point is,
11 Mr. Parker, we can serve a separate subpoena.
12 There is no obligation under the rules, and I'll
13 cite you to authority under the district of Montana
14 that there's no cross-notice or cross-subpoena
15 required for me to be able to pose questions, so
16 long as they are relevant under the standards of
17 Rule 26.

18 So I truly am -- I truly do just
19 only have a few questions here. If you don't
20 want to answer them, we can pursue a separate
21 subpoena and get back on the Zoom call in a week.
22 Otherwise, I -- we will be done within 15

1 minutes.

2 MR. PARKER: Let me confer. Hold on
3 one moment.

4 MR. MILLER: Okay.

5 (Discussion had with Attorney Parker and
6 Witness.)

7 MR. PARKER: Mr. Cotton, wait for a
8 question.

9 Go ahead, Carey.

10 MR. MILLER: Andrew, do you prefer me
11 to ask the court reporter to read back the question
12 or --

13 MR. PARKER: Go ahead with your
14 question. We will proceed.

15 MR. MILLER: Felicia, I apologize, I
16 know there was a lot of back and forth between the
17 questions.

18 COURT REPORTER: No, problem. Let me
19 get back up there and see if I can find the
20 question.

21 (The reporter read as requested.)
22

1 BY MR. MILLER:

2 Q Yeah, that was accepting work product
3 relative to Georgia.

4 So setting that aside, accepting a
5 work-product objection, have you identified any
6 algorithms or malware that weight or switched votes
7 in any of the election systems that you have
8 reviewed?

9 A The short answer is I am aware of
10 election definitions that have switched votes. I
11 am aware of QR code-based inputs that have modified
12 how votes were cast. And I am aware of
13 anonymous -- or atypical anonymous log-ins that did
14 not have sufficient supporting data to validate
15 whether or not those were authorized log-ins to the
16 systems.

17 I have not fully investigated all of
18 those -- all of that knowledge. I have not been
19 asked to do that, but I am aware of -- of those
20 categories of situations.

21 Q Okay. Thank you for that.

22 I'm going to ask you just a couple

1 follow-up questions relative to those three
2 categories.

3 As to the election definition issues
4 that you stated that you've identified, my
5 understanding to your testimony just then is that
6 those election definition issues switched votes.
7 Is that accurate as to your testimony?

8 A That is correct.

9 Q And the election definitions --

10 MR. PARKER: Carey, I am sorry to
11 interrupt you, but I just want to be clear for the
12 record. He didn't say he identified them. He said
13 he's aware of them.

14 MR. MILLER: I see. Okay. Fair
15 enough.

16 BY MR. MILLER:

17 Q And, Mr. Cotton, I don't at any point
18 mean to put words in your mouth. Most of my job
19 here is clarifying what your testimony is.

20 With respect to those election
21 definitions, that's like the issue in Antrim
22 County, right?

1 A That is correct.

2 Q Okay. Anywhere other than Antrim
3 County on a system that you have analyzed where
4 there was an election definition issue?

5 A Not on the systems that I have
6 analyzed.

7 Q Okay. With respect to QR code inputs
8 that you referred to. Do you recall that?

9 A Yes.

10 Q Okay. Did you become aware of that
11 because you observed it in an actual election that
12 did, in fact, switch votes?

13 A No. I am aware of that based on some
14 reporting out of Williamson County. I believe
15 Williamson County, Tennessee.

16 Q Okay. So that's not a system that
17 you've analyzed, right?

18 A Correct.

19 Q Okay. So you don't have any personal
20 observations that there were votes switched by a QR
21 code input, right?

22 A Correct.

1 Q Okay. And just so I understand what
2 you mean by QR code input, that's -- that's where
3 the QR code says something that doesn't reflect,
4 say, the ballot summary that's on the ballot,
5 right?

6 You voted for Joe Smith, but the QR
7 code, the computer reads it as you voting for Jason
8 Bourne. Is that more or less accurate?

9 A More or less. It's a little bit
10 broader than that. It also changes how those votes
11 are counted and what category of vote is counted
12 against. So, for example, a -- a ballot that was
13 cast legitimately in a precinct would be counted as
14 a provisional vote.

15 Q Okay. And when you referred to
16 atypical anonymous log-ins in your earlier
17 testimony, I did not hear your testimony saying
18 that atypical anonymous log-ins, in fact, switched
19 any votes. Is that accurate?

20 A You didn't hear me say that because
21 in that particular jurisdiction, they did not
22 maintain enough data or logs sufficient to prove

1 that votes were switched.

2 Q And is that relative to your review
3 in Maricopa County, Arizona?

4 A It is.

5 Q And this is the whole log-rolling
6 issue, right?

7 A That's part of it.

8 Q Okay. So, Mr. Cotton, I -- I ask
9 this question only because I want to make sure I
10 understand your relationship on the engagement.
11 Were you ever engaged directly by Sidney Powell?

12 A No.

13 Q Okay. Did you have any awareness
14 that your work would be utilized by Sidney Powell
15 or individuals you knew to be working for her?

16 A No.

17 Q Okay. And the three items that you
18 pointed out here, the first of which being the
19 Antrim County issue, the second of which being
20 reporting, but an item that you don't have any
21 personal knowledge of regarding QR code inputs, and
22 the third of which being atypical anonymous

1 log-ins.

2 Those three issues, is it your
3 understanding that those were perpetrated or
4 exploited by any individual with the intent to
5 alter the outcome of an election?

6 A I don't have enough data to render an
7 opinion on that.

8 Q Okay. You just don't have an opinion
9 one way or the other?

10 A No.

11 Q Okay. But we didn't discover Hugo
12 Chavez's algorithm in the Dominion machines, right?

13 A That would go into work product.

14 Q Okay. And we didn't discover, you
15 know, Putin's input of algorithms into the Dominion
16 machines, right?

17 A Once again --

18 MR. PARKER: You don't need to answer
19 that.

20 Go ahead.

21 BY MR. MILLER:

22 Q And to be clear, what I'm referring

1 to with that question is simply those three
2 categories that you talked about before, not
3 something else. But you're just not rendering an
4 opinion one way or the other on that, right?

5 A Correct.

6 MR. MILLER: Okay. Mr. Cotton, if
7 you'll give me just two minutes, I think we're --
8 we're done here.

9 THE WITNESS: Okay.

10 MR. MILLER: I believe I'm the last
11 person asking questions. Give me just a second.

12 VIDEOGRAPHER: Do you want to go off
13 the record?

14 MR. MILLER: Yes, please. I
15 apologize.

16 VIDEOGRAPHER: All right. The time
17 is approximately 3:32 p.m. We are going off the
18 video record.

19 (Recess from 3:32 p.m. to 3:37 p.m.)

20 VIDEOGRAPHER: The time is
21 approximately 3:37 p.m. We are back on the video
22 record. Go ahead.

1 BY MR. MILLER:

2 Q Mr. Cotton, I'm going to introduce
3 one exhibit here real quick. It should show on
4 your end momentarily here, and just let me know
5 when you see it.

6 A What exhibit number will that be?

7 Q I marked it as Exhibit D1.

8 MR. PARKER: E-1?

9 MR. MILLER: "D" as in dog or
10 defendant.

11 BY MR. MILLER:

12 Q Well, I'm sorry, it's showing up as a
13 second Exhibit Number 1 on the list. If you look
14 at the stamp, it says D1. It says, "Exhibit D to
15 Cotton First Declaration - EAC Investigative
16 Report."

17 MR. PARKER: Okay. Yes.

18 (Cotton Deposition Exhibit Number D1
19 marked for identification.)

20 MR. MILLER: Sorry, I didn't realize
21 that's how it was showing up on your end.
22

1 BY MR. MILLER:

2 Q Mr. Cotton, do you have that in front
3 of you?

4 A I do.

5 Q Okay. And do you see at the bottom
6 there it says Exhibit D0001?

7 A Yes.

8 Q Okay. And you've seen this document
9 before, right?

10 A I have.

11 Q Okay. In fact, it was attached to
12 your declaration in the Lake v. Hobbs case, right?

13 A Correct.

14 Q Okay. And this is concerning an
15 investigative report of the United States Election
16 Assistance Commission concerning Williamson County,
17 Tennessee and the Dominion Voting System there,
18 right?

19 A Yes.

20 Q Okay. And am I correct in my
21 understanding that this investigative report
22 reflects the issue that you were referring to

1 regarding QR code inputs?

2 A Yes.

3 Q Okay. Is it your opinion that the
4 conclusion and analysis here by the EAC is -- is
5 accurate?

6 A Well, quietly frankly, I think it's
7 incomplete.

8 Q Incomplete?

9 A Yes.

10 Q In what respect?

11 A Well, with respect that the --
12 actually, they say they don't really know what --
13 what caused this, however, they fixed it. So if
14 they don't exactly know what happened, but they're
15 claiming they fixed it, then I would suggest that
16 there's probably a need for further analysis to
17 this problem, and to the full extent to which a QR
18 code could effect the behaviors of an -- of an ICP.

19 Q Okay. So with respect to the factual
20 description of the issue here, you agree that this
21 encompasses what you were referring to as QR code
22 inputs. Is that accurate?

1 A It -- it is accurate to the extent
2 that they recorded what they observed. I'm not --
3 I'm not convinced that that is the full extent to
4 which QR codes could have influenced the -- the
5 counting of the ballots.

6 Q Okay. I'm just trying -- so I'm just
7 trying to make sure there's not some additional
8 layer to the QR code input that is not reflected as
9 to the issue identified here. I realize you don't
10 fully disagree with the analysis and conclusion.
11 I'm talking about the factual issue that was being
12 investigated.

13 A What I would also say is that based
14 on the Open Source Dominion documentation, this
15 manifestation of a QR code variation and the vote
16 tabulation in the manner in which it was tabulated
17 is contrary to what was represented in the
18 documentation. That would indicate to me that
19 there may be additional functions that will accept
20 QR code input from the tabulator scanning that is
21 not noted or discovered or disclosed in the
22 Dominion documentation.

1 Q Okay. I will ask you to pull up one
2 more document real quick, and this is a Plaintiffs'
3 exhibit, Plaintiffs' Exhibit 3. And just let me
4 know when you have that.

5 A It's Plaintiffs -- yeah. Are we
6 talking about the privilege -- privilege log or the
7 engagement letter?

8 Q Yeah. Plaintiffs' Exhibit 3 is a
9 letter from your counsel, followed by some
10 documents you produced, right?

11 A Yes.

12 Q Okay. And just to confirm, this
13 BC0001 through BC0008 reflects the full and
14 complete production of documents pursuant to the
15 subpoena, correct?

16 And let me clarify that because I'm
17 not trying to ask you a trick question here.

18 My question is: Is there anything
19 other than these documents that was produced and
20 provided to the Plaintiffs' counsel that is not in
21 here?

22 MR. PARKER: These are -- these are

1 the documents that were produced, and there was a
2 log produced of documents that were responsive but
3 withheld.

4 MR. MILLER: Okay.

5 BY MR. MILLER:

6 Q So, Mr. Cotton, other than -- and I
7 understand you've -- your counsel has withheld
8 documents on privileged grounds. As far as the
9 documents that were actually produced and not
10 withheld, these constitute the full production,
11 correct?

12 A I'll rely on my attorney's production
13 within the scope of the subpoena on that. I
14 provided them with the results of search queries,
15 and they reviewed them for relevance to the
16 subpoena.

17 Q Okay. And with respect to the search
18 queries, how did you come to those search queries?

19 Was that negotiated with the
20 Plaintiffs' counsel or -- or did you come up with
21 these?

22 A We came up with those based on the

1 parameters of the subpoena.

2 Q Okay.

3 MR. MILLER: All right. Mr. Cotton,
4 I promised that I didn't have much after that
5 break. That is, in fact, all that I have. Thank
6 you for your time today.

7 MR. PARKER: Is there anyone else for
8 the Plaintiffs or Defendants?

9 MR. BROWN: The Coalition Plaintiffs
10 do not have any further questions.

11 MS. KAISER: The Curling Plaintiffs
12 do not have any further questions either.

13 MR. PARKER: I just have a few
14 questions quickly.

15 EXAMINATION BY COUNSEL FOR WITNESS

16 BY MR. PARKER:

17 Q Mr. Cotton, you were asked about the
18 gathering of documents. And you said that you did
19 search queries, gathered documents, provided them
20 to our firm.

21 Were you relying on our firm to
22 determine what was responsive?

1 A Yes.

2 Q Did you make a determination of what
3 was responsive without relying on us?

4 A No.

5 Q In terms of documents you reviewed to
6 prepare for this deposition, differentiating that
7 from documents that you collected to send to your
8 law firm and then to send those -- what was
9 responsive to the Plaintiffs, as it relates to what
10 you reviewed to prepare for this deposition, how
11 many documents did you review for that?

12 A Just a -- just a couple. Primarily,
13 the -- the engagement letter as to timing, when
14 things were signed, and the NDA, the subsequent NDA
15 for Coffee County.

16 Q And those were produced?

17 A Correct.

18 Q Anything else?

19 A No.

20 Q And were there any documents other
21 than those that were produced that you looked at to
22 refresh your recollection prior to this deposition?

1 A No.

2 Q There was a point during the
3 deposition that it appeared to me that you said you
4 started your work in March of 2021 as it relates to
5 the Lambert retainer, but was that work at that
6 time related at all to Georgia?

7 A No.

8 Q And I think you testified June was
9 the first time that you did anything related to
10 Georgia?

11 A Correct.

12 Q As it relates to the Halderman
13 declaration, which is an exhibit in this deposition
14 that you looked at, are you aware that
15 Mr. Halderman has executed numerous declarations?

16 A I am aware of that now.

17 Q In terms of the document that is
18 introduced here, you said that's the declaration
19 that you reviewed. Do you know whether it is the
20 one that you attached to your declaration in
21 Arizona?

22 A I -- I didn't compare the exhibit

1 that was presented to me to the declaration that
2 was attached to my declaration in Arizona. The one
3 that I reviewed is the one that is attached as an
4 attachment to that declaration.

5 Q Okay. As it relates to Williamson
6 County that you were asked about, and I think it's
7 Defendants' Exhibit 1 in this deposition, that
8 document, the USEAC had certified the equipment
9 that was later found to be faulty, correct?

10 A Yes.

11 Q Does that give you confidence in the
12 USEAC?

13 A It does not give me any confidence in
14 the EAC.

15 MR. PARKER: That's all that I have.
16 Plaintiffs or Defendants have any follow-up to
17 those?

18 MS. KAISER: Could you give us just
19 two minutes to confer, please?

20 MR. PARKER: Sure.

21 VIDEOGRAPHER: Do you want to go off
22 the record?

1 MS. KAISER: Yes, please.

2 VIDEOGRAPHER: The time is
3 approximately 3:49 p.m. We are going off the video
4 record.

5 (Recess from 3:49 p.m. to 3:52 p.m.)

6 VIDEOGRAPHER: The time is
7 approximately 3:52 p.m. We are back on the video
8 record. Go ahead.

9 MR. BROWN: Coalition Plaintiffs have
10 no further questions.

11 MS. KAISER: Curling Plaintiffs have
12 no further questions.

13 MR. BROWN: Thank you, everybody.

14 MS. KAISER: Thank you for your time,
15 Mr. Cotton.

16 MR. BROWN: Thank you, Mr. Cotton.

17 MR. MILLER: Mr. Cotton, let me put
18 on the record.

19 I've got just two additional
20 clarifying questions regarding the questions that
21 you just asked, Mr. Parker.

22 MR. PARKER: All right.

EXAMINATION BY COUNSEL FOR STATE DEFENDANTS

BY MR. MILLER:

Q Mr. Cotton, you were asked about the declarations of Dr. Halderman that you reviewed relative to your declaration in the Arizona case, right?

A Yes.

Q Okay. I'm going to, just for clarity, introduce to you here -- it should be in there now. It's Defendants' Exhibit D2. Just let me know when you see it.

(Cotton Deposition Exhibit Number D2
marked for identification.)

BY MR. MILLER:

Q It reads again, Exhibit --

A We got it.

Q You got it. Okay.

So, Mr. Cotton, if you'll scroll down with me to the second page here -- well, the top page says, "Exhibit F," and then at the top, do you see "Case Number 2:22-cv-00677JJT"?

Do you see that?

1 A I do.

2 Q Okay. And "June 8th, 2022." Do you
3 see that?

4 A I do.

5 Q And I'll represent to you that that
6 is the case number for the Lake v. Hobbs case. Do
7 you have any reason to doubt me on that?

8 A No.

9 Q Okay. And if you'll scroll down here
10 with me to the substantive pages. Do you see that
11 is the declaration of J. Alex Halderman in Support
12 of Motion for Preliminary Injunction?

13 A Which page are you on?

14 Q I'm just on the first substantive
15 page in the caption there, "Declaration of J. Alex
16 Halderman in Support of Motion for Preliminary
17 Injunction."

18 A Yes.

19 Q The second -- do you see that?

20 A Yes.

21 Q Okay. And this is one of the
22 declarations of Dr. Halderman you reviewed,

1 correct?

2 A Correct.

3 Q And it was attached to your
4 declaration in the Arizona case, correct?

5 A I don't have that paperwork in front
6 of me, but yes, it was.

7 Q Okay. And I'll represent to you that
8 this was pulled from the CM/ECF system that was
9 Exhibit F to your declaration.

10 A Okay.

11 Q And if you'll scroll with me to the
12 sixth page of the PDF, page 5 of the declaration
13 itself.

14 A Okay.

15 Q And it's page 5 at the bottom of the
16 page. And do you see Footnote 5 there where
17 Dr. Halderman talks about the Stuxnet computer
18 virus?

19 A I do.

20 Q Okay. And you also theorized about
21 this Stuxnet computer virus in the Arizona
22 litigation, right?

1 A I -- I did as an example of how an
2 air gap system could be negated.

3 Q Okay. And I'm going to mark one
4 additional exhibit here to you.

5 (Cotton Deposition Exhibit Number D3
6 marked for identification.)

7 BY MR. MILLER:

8 Q All right. And that should show up
9 on your side here. This will be Defendants'
10 Exhibit 3. It reads in the description, "Exhibit G
11 to Cotton First Declaration." If you'll just let
12 me know when you have that.

13 A I have that.

14 Q Okay. And so you see here on the
15 first page, again at the top of the page, Case
16 2:22-cv-00677JJT.

17 Do you see that?

18 A Yes.

19 Q Okay. And that's the same case
20 number we looked at before and reflects the Arizona
21 litigation, right?

22 A I wasn't paying attention on that.

1 Q Okay. Fair enough. It's a lot of
2 numbers to memorize when you're not expecting to
3 need to, right?

4 And I'll represent to you again that
5 this was attached as Exhibit G to your Arizona
6 declaration. Do you have any reason to doubt me on
7 that?

8 A No.

9 Q Okay. And so this --

10 MR. PARKER: And let me put on the
11 record, because this beeping has been going on
12 throughout the day. Mary Kaiser reflected on that
13 and identified it. And we figured out that the
14 computer that we are on, I have my e-mail in
15 Outlook open in the background in order that I
16 could get in, et cetera. So that's what you're
17 hearing. Even though it's not up on the screen at
18 all for us, it causes that to occur.

19 MR. MILLER: Okay. And thanks for
20 that clarity. That's fine.

21 BY MR. MILLER:

22 Q And so, Mr. Cotton, this Exhibit G

1 was also attached to your Arizona declaration,
2 right?

3 A Yes.

4 Q Okay. So this is another declaration
5 of Dr. Halderman you reviewed in forming your
6 opinion in that case, right?

7 A Yes.

8 Q Okay. So with respect to the
9 clarifying questions your attorney just referred
10 to, are those the only two Halderman declarations
11 you've reviewed?

12 A I believe so, yes.

13 Q Okay. And you've reviewed the --

14 A Well, one clarification on that.

15 Q Oh, sure.

16 A As part of the Antrim County
17 litigation, I did review his opinion on that matter
18 as well, but it is not included as part of Arizona.

19 Q Okay. And you are going -- you're
20 reading my mind here.

21 So the Antrim County report that
22 Dr. Halderman prepared, you have reviewed that on

1 your own, right?

2 A I have, yes.

3 Q Okay. And would you agree with me
4 that it looks very different than this declaration
5 here that's in the form of a report with a table of
6 contents and things of that nature?

7 A Can you rephrase that question or
8 repeat that question, please?

9 Q Sure.
10 So the Antrim County report by
11 Dr. Halderman that you reviewed is much different
12 in form than this declaration, right?

13 It's a longer document, with a full
14 table of contents and more of a narrative writing.

15 Would you agree with me on that?

16 A I haven't reviewed that document
17 recently, but conceptually, yes.

18 Q Okay. And with respect to that
19 Antrim County report, have you reviewed any other
20 document prepared by Dr. Halderman that is similar
21 in form and nature to that Antrim County report?

22 A To the best of my recollection, I

1 have reviewed these three documents from
2 Dr. Halderman.

3 Q Okay.

4 MR. MILLER: That's all the questions
5 that I have.

6 MR. PARKER: Anyone else?

7 MS. KAISER: No further questions
8 from the Curling Plaintiffs. Thank you.

9 MR. BROWN: Nothing from the
10 Coalition Plaintiffs.

11 VIDEOGRAPHER: Okay. Are we done?
12 Are we going to go off the record? Yes?

13 MR. BROWN: Yes.

14 MR. PARKER: We'll read -- we'll read
15 and sign.

16 VIDEOGRAPHER: Okay. The time is
17 approximately 4:02 p.m. We are going off the video
18 record.

19 (Whereupon, at 4:02 p.m., the
20 video-recorded videoconference deposition
21 of BENJAMIN R. COTTON was concluded;
22 signature reserved.)

CERTIFICATE OF NOTARY PUBLIC

I, FELICIA A. NEWLAND, CSR, the officer before whom
the foregoing deposition was taken, do hereby
certify that the witness whose testimony appears in
the foregoing deposition was duly sworn by me; that
the testimony of said witness was taken by me in
stenotype and thereafter reduced to typewriting
under my direction; that said deposition is a true
record of the testimony given by said witness; that
I am neither counsel for, related to, nor employed
by any of the parties to the action in which this
deposition was taken; and, further, that I am not a
relative or employee of any counsel or attorney
employed by the parties hereto, nor financially or
otherwise interested in the outcome of this action.



FELICIA A. NEWLAND, CSR
Notary Public

My commission expires:

September 15, 2024

1 Andrew Parker, Esquire

2 parker@parkerdk.com

3 August 30, 2022

4 RE: Curling, Donna v. Raffensperger, Brad

5 8/25/2022, Benjamin R Cotton (#5361567)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 cs-midatlantic@veritext.com

16
17 Return completed errata within 30 days from
18 receipt of testimony.

19 If the witness fails to do so within the time
20 allotted, the transcript may be used as if signed.

21
22 Yours,

23 Veritext Legal Solutions
24
25

1 Curling, Donna v. Raffensperger, Brad

2 Benjamin R Cotton (#5361567)

3 E R R A T A S H E E T

4 PAGE_____ LINE_____ CHANGE_____

5 _____

6 REASON_____

7 PAGE_____ LINE_____ CHANGE_____

8 _____

9 REASON_____

10 PAGE_____ LINE_____ CHANGE_____

11 _____

12 REASON_____

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17 _____

18 REASON_____

19 PAGE_____ LINE_____ CHANGE_____

20 _____

21 REASON_____

22 _____

23 _____

24 Benjamin R Cotton Date

25

1 Curling, Donna v. Raffensperger, Brad

2 Benjamin R Cotton (#5361567)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Benjamin R Cotton, do hereby declare that I
5 have read the foregoing transcript, I have made any
6 corrections, additions, or changes I deemed necessary as
7 noted above to be appended hereto, and that the same is
8 a true, correct and complete transcript of the testimony
9 given by me.

10
11 _____
12 Benjamin R Cotton

_____ Date

13 *If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS

15 _____ DAY OF _____, 20____.

16
17
18 _____
19 NOTARY PUBLIC
20
21
22
23
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25